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CALIFORNIA LAWS

RELATING TO

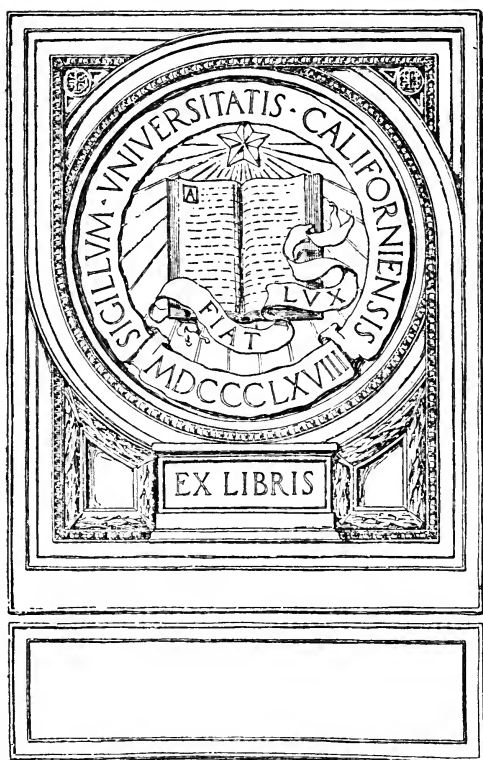
ANIMAL INDUSTRY

1919

Prepared by the
California State Library
for the
State Department of Agriculture
Division of Animal Industry



CALIFORNIA STATE PRINTING OFFICE
SACRAMENTO
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To and
Alfred

M. N. P.

TABLE OF CONTENTS.

DEPARTMENT OF AGRICULTURE-----	Page 7
ANIMAL DISEASES, REGULATIONS, QUARANTINE, ETC.—	
PROTECTION OF DOMESTIC LIVE STOCK FROM DISEASE-----	11
IMPORTATION OF DISEASED LIVE STOCK-----	14
EXTERMINATION OF BOOPHILUS ANNULATUS TICK-----	16
ERADICATION OF SCABIES-----	18
INSPECTORS OF DIPPING OF SHEEP-----	20
CONTROL OF RABIES-----	20
DISTRIBUTION OF HOG CHOLERA SERUMS-----	23
LICENSING OF PREPARATION OF HOG CHOLERA SERUMS-----	24
DISPOSITION OF DISEASED ANIMALS-----	26
INSPECTORS OF LIVE STOCK-----	27
REPORTABLE BY LOCAL PRACTITIONERS TO STATE VETERINARIAN-----	27
DAIRY LAWS—	
PRODUCTION AND STANDARDIZATION OF DAIRY PRODUCTS-----	28
CONDENSED AND EVAPORATED MILK-----	53
IMITATION MILK-----	53
SALE OF IMPORTED BUTTER-----	57
PURE MILK LAW-----	58
CERTIFIED MILK-----	64
INSPECTION OF MEAT AND MEAT FOOD PRODUCTS-----	65
CATTLE PROTECTION OR BRAND LAW—	
LICENSING OF SLAUGHTERERS-----	68
REGISTRATION OF CATTLE BRANDS-----	68
ANIMALS RUNNING AT LARGE-----	74
PERPETUATION OF MARKS AND BRANDS-----	75
CHANGING OR DEFACING MARKS AND BRANDS-----	76
STALLION REGISTRATION LAW—	
REGISTRATION OF PEDIGREE-----	77
LIEN FOR SERVICE OF STALLIONS, ETC.-----	83
LICENSING OF ANIMALS USED FOR PROPAGATION-----	84
MISCELLANEOUS—	
CRUELTY TO ANIMALS-----	85
HERDING AND GRAZING OF LIVE STOCK-----	93
FENCE, ESTRAY, AND TRESPASS LAWS-----	95
FRAUDULENT REGISTRATION OF LIVE STOCK-----	116
RECORD OF LIVE STOCK SALES AT AUCTION-----	116
LIEN FOR CARE OF LIVE STOCK-----	116
TAMPERING WITH ANIMALS ON EXHIBITION-----	117
COMMERCIAL FEEDING STUFFS-----	118
LICENSING OF VETERINARY PRACTITIONERS-----	121
INDEX-----	123

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PREFACE.

This compilation contains the state laws relating to the dairy and live stock industries which are now enforceable by the Division of Animal Industry of the Department of Agriculture. It also contains certain other laws, such as the fence, estray and trespass laws, which are of special interest to those who will find use for the volume.

The compilation is the first to bring together in a single volume the dairy and live stock laws and every effort has been made to make it serviceable to those engaged in these industries.

DEPARTMENT OF AGRICULTURE.

An act creating a department of agriculture, providing for its organization and declaring its functions; transferring to said department the powers and duties of various state agencies and the unexpended balances of their appropriations and funds; prohibiting certain acts, and prescribing penalties for violation of the provisions hereof.

(Approved May 16, 1919; Stats. 1919, p. 542.)

SECTION 1. A department of the government of the State of California to be known as the department of agriculture is hereby created. The department shall be conducted under the control of an executive officer to be known as director of agriculture, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor, and shall receive a salary of five thousand dollars per annum. Before entering upon the duties of his office, the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. He shall maintain his office at Sacramento, and shall adopt and keep an official seal. He shall act as chief of one of the divisions herein created.

Department
of Agriculture
created.

Director.

SEC. 2. For the purpose of administration, the department shall be organized by the director in such manner as with the approval of the governor, shall be deemed necessary to properly segregate and conduct the work of the department. The work of the department shall be divided into at least two divisions: One to be known as the division of plant industry and one as the division of animal industry. The director shall adopt such rules and regulations not inconsistent with law as may be necessary to govern the activities of the department. He shall have the power to arrange and classify the work of the department and to assign to each of the officers thereof such duties and labors as he may see fit.

Divisions.

SEC. 3. The director shall have power, except as otherwise provided herein, to appoint heads of divisions and such assistants, agents, experts, and other employees as are necessary for the administration of the affairs of the department, to prescribe their duties and, subject to the approval of the governor, to fix the salaries; *provided*, that the director or other officer of the department shall have no authority on the part of the state to incur obligations exceeding the amount of moneys made available by law for the support of the department. The heads of divisions, assistants, agents, experts and other employees appointed by the director shall execute to the state such official bonds as the director may determine and require. The head of each division and one position under him of a confidential nature shall be exempt from the provisions of the civil service law. The director and all officers, assistants and agents of the department shall be civil executive officers.

Appointments
by director.

Civil service
exemptions.

Traveling
expenses.

SEC. 4. All heads of divisions, assistants, agents, experts and other employees of the department shall be entitled to receive in addition to their salaries, their actual necessary traveling expenses when away from their headquarters on state business. The salaries and expenses of all heads of divisions, assistants, agents, experts and other employees of the department shall be paid at the same time and in the same manner as the salaries and expenses of other state officers are paid.

Powers and
duties of
director.

SEC. 5. The director of agriculture may make investigations and prosecute actions concerning all matters relating to the business activities and subjects under the jurisdiction of the department as well as relating to the acts and the statistics referred to in section nine of this act. In connection therewith he shall have the right to inspect books and records and to hear complaints, administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding pertinent or material thereto in any part of the state.

Power of
subpoena.

In the event of the failure or the refusal of any witness to attend or testify or produce such papers, books, accounts or documents or give such testimony or in the event of any disobedience of said subpoena, the superior court in and for the county, or city and county, in which any inquiry, investigation or proceeding may be held by the director of agriculture, shall have power to compel the attendance of said witness, the giving of said testimony and the production of said papers, including books, accounts and documents, as required by any subpoena issued by the director of agriculture. The court upon petition of the director of agriculture shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he had not attended and testified or produced said papers before the director of agriculture. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the director of agriculture, the court shall thereupon enter an order that the said witness appear before the director of agriculture at a time and place to be fixed in such order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court.

Powers of
officers.

The powers conferred upon the director of agriculture by the provisions of this section may be exercised with like force and effect by such officers of the department as the director may authorize and designate to conduct any such investigation or hearing; *provided, however*, that except in his report to the director, or when called upon to testify in any court or proceeding at law, any such officer who shall divulge any information acquired by him from the private books, documents or papers of any person, while acting or claiming to act under

any such authorization or designation, in respect to the confidential or private transactions, property or business of any person, firm, association or corporation, shall be guilty of a misdemeanor and shall be disqualified from acting in any official capacity in the department. In addition thereto, such officer shall be liable in damages to any person, firm, association or corporation for all injury resulting from such unlawful disclosure.

SEC. 6. The director shall make a report to the governor at least sixty days before the commencement of each biennial session of the legislature. Such report shall give an account of all matters pertaining to his department, together with any recommendations, and shall specifically set forth a statement of expenditures made by the department during the period up to and including the thirtieth day of June preceding said session. There shall also be set forth in such report a statement of the organization plan of the department, together with the number and classes of officers and employees in the department and the compensation paid the same.

Report to
governor.

SEC. 7. The attorney general shall be the legal adviser of the department in all matters relating to the department and to the powers and duties of its officers. Upon request of the director, the attorney general, or under his direction, the district attorney of any county in which the action is brought, shall aid in any investigation, hearing, prosecution or trial had under the laws which the director is required to administer, and shall institute and prosecute all necessary actions or proceedings for the enforcement of such laws and for the punishment of all violations thereof. The sheriffs and constables in the several counties shall execute all lawful orders of the director in such counties.

Duty of
Attorney
General.

SEC. 8. The director of the department of agriculture shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the state commissioner of horticulture, of the state board of horticultural examiners, of the state dairy bureau, of the state veterinarian, of the stallion registration board, of the state board of viticultural commissioners, of the board of citrus fruit shipments, of the cattle protection board and of the several officers of such bodies and offices; and whenever by the provisions of any statute or law now in force or that may hereafter be enacted as a duty or jurisdiction is imposed or authority conferred upon any of said bodies, offices or officers, such duty, jurisdiction and authority are hereby imposed upon and transferred to the director of the department of agriculture the same as though the title of the director of the department of agriculture had been specifically set forth and named therein. Said bodies, offices and officers whose duties, powers, purposes and responsibilities are so transferred to and vested in the director of the department of agriculture, are and each of them is hereby abolished and shall have no further legal exist-

Powers of
existing
boards,
etc.,
transferred.

Offices
abolished.

ence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes and responsibilities and jurisdiction together with all lawful rules and regulations established thereunder, are hereby expressly continued in force. The department of agriculture shall also succeed to and be in control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers.

Laws to be enforced.

SEC. 9. The director of the department of agriculture is hereby vested with the power and is charged with the duty of administering and enforcing the following laws:

An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infractions thereof, and means for the enforcement of the act, approved March 20, 1903, and all acts amending or supplementing said act.

An act to prevent the propagation by the production of seed of that certain plant known as *Sorghum halepense*, otherwise known as Johnson grass, approved March 20, 1903, and all acts amending or supplementing said act.

An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes and to provide penalties for the infraction thereof and to appropriate money therefor, approved May 1, 1911, and all acts amending or supplementing said act.

An act to regulate the production of certified milk, cream, ice cream, butter and cheese; and repealing an act entitled "An act to regulate the production of certified milk," approved March 18, 1909, and all acts and parts of acts inconsistent with this act, approved April 25, 1913, and all acts amending or supplementing said act.

An act prohibiting the destruction of foodstuffs, food products or food articles, approved June 5, 1913, and all acts amending or supplementing said act.

Powers transferred to director.

Whenever in any of the statutes enumerated in this section or in any of the statutes amending or supplementing the same, a duty or jurisdiction is imposed or authority conferred upon any state board, commission, office or officer to administer the provisions of any of said statutes, such duty, jurisdiction and authority are hereby imposed upon and transferred to the director of the department of agriculture and the officers thereof with the same force and effect as if the name of the director of the department of agriculture occurred in the statute in each instance in lieu of the name of any board, commission, office or officer, or in lieu of the name of any member, deputy, assistant or employee thereof, as the case may be.

Authority to spend money on hand.

SEC. 10. From and after the date upon which this act takes effect, the director shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in

any special fund in the state treasury now remaining or made available by law for the administration of the provisions of any of the statutes enumerated in section nine hereof or for the use, support, or maintenance of any board, commission, office or officer that is abolished by the provisions hereof and whose duties, powers and functions are, by the provisions of this act, transferred to and conferred upon the department of agriculture. Such expenditures by the director shall be made in accordance with law in carrying on the work for which such appropriations were made or such special funds created.

DISEASES OF ANIMALS.

PROTECTION OF DOMESTIC LIVESTOCK FROM DISEASE.

An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor.

(Approved March 18, 1899. Amendments approved March 20, 1905; March 23, 1907; March 19, 1909; and May 18, 1915. Stats. 1899, p. 129; 1905, p. 423; 1907, p. 932; 1909, p. 431; 1915, p. 564.)

SECTION 1. The office of state veterinarian* of the State of California is hereby created. It shall be the duty of the governor, within sixty days after the passage of this act, to appoint a skilled veterinary surgeon for the State of California to fill said office of state veterinarian, who at the date of such appointment shall be a graduate in good standing of a recognized college of veterinary surgery legally qualified to practice as such in this state, and who shall hold office for a period of four years from and after the date of qualification. The salary of said state veterinarian shall be three thousand six hundred dollars per annum, payable at the same time and in the same manner as are the salaries of other state officers. Said state veterinarian shall also be allowed his necessary expenses incurred in the discharge of his duties as hereinafter provided. In making said appointment it shall be the duty of the governor to disregard political affiliations, and to be guided in his selection merely by the professional and moral qualifications of said veterinarian for the performance of his duties.

Creation of
office of state
veterinarian.

Qualifications

Salary.

SEC. 2. The governor is hereby authorized and empowered to appoint an assistant state veterinarian, who shall at the time of such appointment be a graduate in good standing of a

Assistant
state
veterinarian.

*By section 8 of the act of 1919, creating a Department of Agriculture (see page 9 hereof) the duties and powers of the State Veterinarian were transferred to this department, and upon the organization of the department these duties were assigned to the Division of Animal Industry. "State Veterinarian" should be read, therefore, "Department of Agriculture, Division of Animal Industry."

recognized college of veterinary medicine and be legally qualified to practice veterinary medicine in this state, and who shall hold office for a period of four years from and after the date of qualification. The salary of such assistant state veterinarian shall be three thousand dollars per annum, payable at the same time and in the same manner as are the salaries of other state officers. Said assistant state veterinarian shall also be allowed his necessary expenses incurred in the discharge of his duties. (As amended, Stats. 1915, p. 564.)

Salary. SEC. 3. Upon information by him received of the existence of any contagious or infectious disease affecting domestic animals within this state, the state veterinarian* shall proceed to thoroughly investigate the same, and he is hereby authorized to establish such quarantine, sanitary and police regulations as may be necessary to circumscribe and exterminate such disease and prevent the extension thereof, and he is further authorized and empowered to enter upon any grounds or premises and inspect any animal necessary to carry out the provisions of this act; *provided*, that nothing in this act shall be construed as authorizing the state veterinarian or any of his deputies to impose quarantine restrictions upon any animal in this state affected with bovine tuberculosis. (As amended, Stats. 1915, p. 565.)

Quarantine.

Unlawful to break quarantine. SEC. 4. Upon the discovery of any case of contagious or infectious disease affecting any domestic animal or animals in the State of California, the state veterinarian* shall have the power and it shall be his duty to quarantine such diseased animal or animals, and when necessary other animals which have been in contact with such diseased animal or animals, upon the land or premises where such animal or animals are located, and thereafter it shall be unlawful for the owner or owners of the animal or animals quarantined, their agents or employees, to break such quarantine or to move or allow to be moved any of such animals from without the premises or across the quarantine line so established without first obtaining a permit from said state veterinarian who shall, before such permit is issued, inspect, and if necessary, cause such animals, premises and vehicles of transportation to be properly cleaned and disinfected. (As amended, Stats. 1915, p. 565.)

Quarantine boundaries proclaimed. SEC. 5. Whenever it shall become necessary to restrict the movements of domestic animals from any county or counties or portion thereof within this state on account of the fact that such animals are liable to transmit an infectious disease to animals not so affected, it shall be the duty of the state veterinarian,* by and with the approval of the governor, to quarantine the animals in such county or counties or portion thereof in order to prevent the spread of such disease, and the governor, if he approve, shall issue his proclamation proclaiming the boundaries of such quarantine, and thereafter, while said proclamation is in force and effect, no person, firm, company

*See note, page 11 hereof.

or corporation, their agents and servants, shall move or allow to be moved any of said animals from without the boundaries of said quarantine unless said animals shall have first been inspected, and if necessary, disinfected by the state veterinarian, or his duly authorized deputy. (As amended, Stats. 1915, p. 565.)

SEC. 6. Whenever the state veterinarian* shall have determined that an infectious disease exists among domestic animals in any other state or territory in the United States of America, or in any foreign country, and the importation of domestic animals from said state, territory or foreign country might spread such disease among domestic animals within the State of California, said state veterinarian shall notify the governor thereof, and the governor, if he deem it expedient, shall issue his proclamation proclaiming the facts as set forth by said state veterinarian, and said proclamation shall prescribe quarantine restrictions against said state, territory or foreign country, which restrictions shall prescribe that under no conditions shall said animals be brought into the State of California from said state, territory or foreign country, or if circumstances shall warrant, said proclamation shall prescribe the conditions under which such animals may be brought into the State of California. (As amended, Stats. 1915, p. 566.)

Quarantine
against
other states.

SEC. 6½. The assistant state veterinarian and the deputy state veterinarians, as provided for in this act, are hereby given all the powers and authority herein conferred upon said state veterinarian for the purpose of enforcing all the provisions of this act, but the said assistant state veterinarian and deputy state veterinarians shall act under the directions and control of the state veterinarian. (Added, Stats. 1915, p. 566.)

Powers of
state
veterinarian
conferred on
assistants.

SEC. 7. Section seven of said act is hereby repealed. (As amended, Stats. 1915, p. 566.)

Repealed.

SEC. 7½. The state veterinarian* of the State of California is hereby authorized and empowered to appoint a deputy state veterinarian and a clerk. The salary of the deputy state veterinarian shall be twenty-four hundred dollars per annum; the salary of the clerk shall be sixteen hundred dollars per annum. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers. The deputy state veterinarian shall be allowed such necessary expenses as may be incurred in the discharge of his duties. The state veterinarian is further authorized and empowered to appoint such additional deputies whenever it becomes necessary to carry out and give effect to the provisions of this act. The salaries of any of such deputies shall in no instance exceed the sum of two hundred (200) dollars per month, and each of said deputies shall be allowed such necessary expenses as may be incurred in the discharge of his official duties. (As amended, Stats. 1915, p. 566.)

*See note, page 11 hereof.

Penalty for
violation.

SEC. 8. Any person, firm or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a term not exceeding one hundred and eighty days, or by both such fine and imprisonment. (As amended, Stats. 1915, p. 567.)

IMPORTATION OF DISEASED LIVE STOCK.

An act to prevent the importation into the State of California of horses, mules, dairy cattle and breeding bulls which are affected with communicable diseases, providing for the inspection or certification of such animals before being brought into the State of California, exempting certain animals from such inspection or certification, providing penalties for violating any of the provisions of this act, and repealing an act approved June 4, 1913, entitled "An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled "An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California," approved March 7, 1911; to repeal an act entitled "An act to prevent the importation of horses, mules and asses affected with glanders into the State of California," approved March 7, 1911.

(Approved April 12, 1915; Stats. 1915, p. 59.)

Importation
of live stock.

SECTION 1. It shall be unlawful for any person, firm, company or corporation, their agents and servants, to bring into the State of California any horses, mules, dairy cattle or breeding bulls except as hereinafter otherwise provided.

Cattle.

(a) Dairy cattle and breeding bulls over six months of age must be accompanied by a certificate of health and tuberculin test record signed by a qualified veterinarian showing that each of said animals is free from communicable diseases, including tuberculosis, and copy of such certificate and tuberculin test record shall be mailed to the state veterinarian* of the State of California on the day the shipment of said animals starts from its origin.

Statement of
state
veterinarian.

(b) In lieu of such certificate of health and tuberculin test record, as provided for in subdivision (a) of this section, said dairy cattle and breeding bulls may be brought into the State of California, provided said animals are accompanied by a signed statement issued by the state veterinarian or other authority in charge of live stock sanitary work in the state

*See note, page 11 hereof.

from which such animals are transported, stating that the animals in the shipment originated in herds which are free from tuberculosis and are not affected with any communicable disease; and a copy of said statement shall be mailed to the state veterinarian of the State of California on the day the shipment of said animals starts from its origin.

(c) Horses and mules must be accompanied by a certificate of health signed by a qualified veterinarian, stating that each animal in the shipment is free from communicable diseases, and a copy of said certificate shall be mailed to the state veterinarian of the State of California on the day the shipment of said animals starts from its origin. Horses and mules.

(d) In lieu of the certificate provided for in subdivision (c) of this section, horses and mules may be brought into the State of California, provided said animals are accompanied by a signed statement issued by the state veterinarian or other authority in charge of live stock sanitary work in the state from which said animals are transported stating that each animal in the shipment is free from communicable diseases, and has not recently been exposed to any communicable disease, and a copy of said statement shall be mailed to the state veterinarian of the State of California on the day the shipment of said animals starts from its origin.

SEC. 2. Animals accompanying shipments of emigrant movables shall be exempt from the inspection or certification as provided for in this act. It is further provided that when horses, mules, dairy and breeding cattle are being brought into the State of California for exhibition or theatrical purposes, said animals shall likewise be exempt from the inspection and certification as provided for in this act; *provided, however*, that when dairy or breeding bulls which have been brought into the State of California for exhibition purposes are sold to remain in the State of California, said animals shall be subjected to the tuberculin test and certified to as free from tuberculosis by the state veterinarian* of the State of California before said animals are delivered to the purchaser. Exemptions.

SEC. 3. Whenever it shall have been determined by the state veterinarian* that a communicable disease exists among domestic animals in any other state or territory in the United States, or foreign country, and the importation of animals from said state or territory, or foreign country might spread such disease among animals within the State of California, nothing in this act shall be so construed as to prevent or prohibit the governor of the State of California from issuing his proclamation quarantining said state or territory, or foreign country or from prescribing the regulations under which animals might be imported into the State of California from said state or territory, or foreign country. Quarantine against communicable diseases.

SEC. 4. That certain act of the legislature of the State of California approved June 4, 1913, entitled "An act to prevent Act of 1913 repealed.

*See note, page 11 hereof.

the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled "An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California," approved March 7, 1911; to repeal an act entitled "An act to prevent the importation of horses, mules and asses affected with glanders into the State of California," approved March 7, 1911, is hereby repealed.

Penalty.

SEC. 5. Any person, firm, company or corporation; their agents, servants and employees, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a term not exceeding one hundred and eighty days, or by both such fine and imprisonment.

EXTERMINATION OF BOOPHILUS ANNULATUS TICK.

An act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions.

(Approved March 21, 1907; amendments approved February 23, 1909; Stats. 1907, p. 763; 1909, p. 55.)

Sale of
infected
cattle
prohibited.

SECTION 1. Any person who shall wilfully or intentionally sell, offer for sale, or expose in such a manner as may infest other cattle or other live stock not so infested, any cattle having thereon or being infested with the boophilus annulatus tick, shall be guilty of a misdemeanor; *provided, however*, that the moving or handling of tick infested cattle, when same are to be immediately slaughtered and where said cattle are loaded on railroad cars at point of origin of said cattle, shall not be deemed to be a wilful or intentional exposing of such cattle as referred to in this section. (As amended, Stats. 1909, p. 55.)

Dipping of
infected
cattle.

SEC. 1½. Whenever cattle infested with or exposed to the infestation of the boophilus annulatus tick are to be moved for the purpose of immediate slaughter, and where no provisions are made for the loading of such cattle directly into railroad cars at their point of origin, such cattle shall only be moved or allowed to move after said cattle have first been dipped or otherwise treated in a manner as directed by the state veterinarian or his duly authorized deputy. (Added Stats. 1909, p. 55.)

Notice to
owner to
dip cattle.

SEC. 2. Whenever upon examination of any cattle located in any county of the State of California the state veterinarian* or his duly authorized deputy shall find such cattle or any portion of them to be infested with the boophilus annulatus

*See note, page 11 hereof.

tick, he shall forthwith notify in writing the owner or person in control of such cattle to dip or otherwise treat all said cattle in a manner as directed by said state veterinarian or his duly authorized deputy for the purpose of eradicating such ticks. Such owner or person in control of such cattle shall, within a period of fifteen days after receiving such notice, dip or otherwise treat such cattle in a manner as directed by the state veterinarian or his duly authorized deputy for the purpose of so eradicating such tick. (As amended, Stats. 1909, p. 55.)

SEC. 3. If upon examining said cattle after the expiration of said period of fifteen days the said state veterinarian* or his duly authorized deputy shall find that said cattle have not been so dipped or otherwise treated in a manner as directed by said state veterinarian or his duly authorized deputy, such officer shall immediately notify the district attorney of the county in which such cattle may be located. (As amended, Stats. 1909, p. 56.)

Notice to district attorney of owner's failure to dip.

SEC. 4. If upon such second examination the state veterinarian* or his duly authorized deputy shall find that said cattle have not been dipped or otherwise treated in a manner as directed by said state veterinarian or his duly authorized deputy for the purpose of eradicating and destroying said tick, said officer shall immediately take possession of said cattle and proceed to eradicate and destroy said tick by dipping or causing to be dipped or by otherwise treating said cattle. (As amended, Stats. 1909, p. 56.)

Dipping by state veterinarian.

SEC. 5. All the expenses and costs of so dipping and treating said cattle shall become and remain a lien on said cattle until such lien is paid or foreclosed as provided by law.

Expenses of dipping a lien.

SEC. 6. If such lien is not paid within fifteen days after the said expenses and costs are incurred, then the state veterinarian shall, in the name of the people of the State of California, commence an action to foreclose said lien. Such action shall be commenced, tried and determined in all respects as provided in the Code of Civil Procedure for the foreclosure of mortgages on personal property.

Foreclosure of lien.

SEC. 7. If however, upon examination at the end of fifteen days from the date on which the owner or person in control and possession of said cattle is given the notice required by section two of this act, the state veterinarian* or his duly authorized deputy shall find that said cattle have been dipped or otherwise treated for the extermination of such ticks but are still infested with the same then he shall instruct the owner or person in possession of said cattle to dip or otherwise treat said cattle one or more times as the circumstances may demand, and within such time as the state veterinarian or his duly authorized deputy shall deem advisable.

Several treatments may be ordered.

SEC. 8. If upon examination at any time the said state veterinarian* or his duly authorized deputy again finds that said cattle are again infested with said ticks or that the

Repeated dipping by state veterinarian.

*See note, page 11 hereof.

owner or person in control of said cattle has not continued to properly dip or otherwise treat said cattle for the purpose of destroying said ticks, then said state veterinarian or his duly authorized deputy shall take possession of said cattle one or more times as in this statute provided.

Owners
jointly
liable.

SEC. 9. In any action or proceeding, civil or criminal, arising under this act, any and all persons having an interest in the cattle or in control or possession of the same, and concerning which cattle such action or proceeding is had, shall be liable severally and jointly for each violation of the provisions of this act.

Exemptions.

SEC. 10. Whenever the state veterinarian* or his duly authorized deputy is satisfied that any cattle are in process of fattening, and that such cattle will be ready for slaughter within a period of one hundred and twenty days, he shall exempt such cattle from dipping, as provided in this act.

Repeal.

SEC. 11. All acts or parts of acts in conflict with this act are hereby repealed.

ERADICATION OF SCABIES.

An act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the state veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this act, and providing for the enforcement of said lien.

(Approved February 23, 1909; Stats. 1909, p. 53.)

Unlawful to
sell infected
sheep.

SECTION 1. Any person who shall knowingly sell, offer for sale, or expose in such a manner as may infect other sheep not so infected any sheep infected with the disease known as scabies shall be guilty of a misdemeanor.

Notice to
owner to dip
infected
sheep.

SEC. 2. Whenever, upon examination of any sheep located in any county of the State of California, the state veterinarian* or his duly authorized deputy shall find such sheep or any portion of them to be infected with or to have been exposed to infection from the disease known as scabies he shall forthwith notify in writing the owner or person in control of said sheep to dip all of said sheep in a manner as directed by said officer for the purpose of eradicating said disease. Such owner or person in control of said sheep shall, within a period of ten days after receiving such notice, dip all of said sheep in a manner as directed by said officer.

Failure to
dip sheep.

SEC. 3. If, upon the expiration of ten days from the date on which notice was given to dip sheep as provided for in

*See note, page 11 hereof.

section two of this act, the owner or person in control of said sheep has failed to dip such sheep in accordance with the directions of said state veterinarian or his duly authorized deputy as also provided for in section two of this act, then said officer shall immediately take possession of said sheep and proceed to eradicate said disease of scabies by dipping said sheep one or more times as may be necessary.

SEC. 4. Whenever the state veterinarian* or his duly authorized deputy has reason to believe that the disease known as scabies exists in a flock of sheep he shall notify the owner or person in control of such sheep to gather all of said sheep in a corral in order that such sheep may be examined and inspected by said officer for the purpose of ascertaining if any or all of said sheep are infected with scabies. And if such owner or person in control of said sheep refuses or neglects to gather all of said sheep in a corral for the purpose aforesaid, it shall be the duty of said officer to gather said sheep in a corral for the purpose aforesaid; and for this purpose he is hereby authorized and empowered to hire such necessary help as may be required to gather said sheep.

Corralling of
sheep for
inspection.

SEC. 5. All expenses and costs of dipping sheep as provided for in section three of this act, and all expenses and costs incurred in gathering sheep as provided for in section four of this act, shall become and remain a lien on said sheep until such lien is paid or foreclosed by law.

Expenses of
dipping
a lien.

SEC. 6. If such lien is not paid within fifteen days after said expenses and costs have been incurred the state veterinarian* shall, in the name of the people of the State of California, commence an action to foreclose said lien. Such action shall be commenced, tried, and determined in all respects as provided in the Code of Civil Procedure for the foreclosure of mortgages on personal property.

Foreclosure
of lien.

SEC. 7. In any action or proceeding, civil or criminal, arising under this act, any and all persons having an interest in the sheep or in control or possession of the same, and concerning which sheep such action or proceeding is had, shall be liable severally and jointly for each violation of the provisions of this act.

Liability for
violation.

SEC. 8. This act shall take effect and be in force immediately.

*See note, page 11 hereof.

INSPECTORS OF DIPPING OF SHEEP.

An act authorizing the state veterinarian to employ throughout the seventy-first and seventy-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

(Approved May 27, 1919; Statutes 1919, p. 1231.)

Inspectors of
dipping
of sheep.

SECTION 1. The state veterinarian* of the State of California is hereby authorized to temporarily employ such inspectors, from time to time, throughout the seventy-first and seventy-second fiscal years, as he may deem necessary for the purpose of inspecting and supervising the dipping of sheep exposed to and infected with the disease known as scabies. The said state veterinarian shall fix the compensation of such inspectors which compensation shall not exceed the sum of five dollars per day, exclusive of their necessary and actual expenses. Such compensation and necessary expenses shall be allowed and paid out of the appropriation herein made.

Appropriation.

SEC. 2. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of nine thousand dollars, or so much thereof as may be necessary, to be used according to law in paying the wages and necessary actual expenses of the inspectors herein provided for, four thousand five hundred dollars of which shall be available during the seventy-first fiscal year, and four thousand five hundred dollars of which shall be available during the seventy-second fiscal year; and the state controller is directed to draw his warrant in favor of the person or persons entitled to the same, and the state treasurer is directed to pay the same.

CONTROL OF RABIES.

An act to prevent the introduction of rabies or other animal diseases dangerous to human beings, into portions of the state not infected; to control the spread of such diseases after introduction; and authorizing the state board of health to make rules and regulations therefor.

(Approved June 13, 1913; Stats. 1913, p. 783.)

Quarantine
against
animals
having rabies.

SECTION 1. Whenever any case or cases of rabies, or other animal diseases dangerous to the health of human beings which may be declared by the state board of health as coming under the provisions of this act, shall be reported as existing in any county, city and county, or incorporated city or town in the State of California, the state board of health shall make, or

*See note, page 11 hereof.

cause to be made a preliminary investigation as to whether such disease does exist, and as to the probable area of the state in which the population or animals are thereby endangered. If upon such examination the state board of health shall find that any of the said diseases does exist, a quarantine shall be declared against all such animals as may be designated in the quarantine order, and living within the area specified in said order. Quarantine shall be defined for the purposes of this act as meaning the strict confinement, upon the private premises of the owners under restraint by leash or closed cage or paddock, of all animals specified by the order.

SEC. 2. Following the order of quarantine the state board of health shall make or cause to be made a thorough investigation as to the extent of the disease, the probable number of persons and animals exposed, and the area found to be involved; and may substitute for the quarantine order such regulations as may be deemed adequate for the control of the disease in each area.

Investigation
of extent of
disease.

SEC. 3. It shall be the duty of all peace officers and boards of health to carry out the provisions of this act. During the period for which any quarantine order is in force all officers are empowered to kill or in their discretion to capture and hold for further action by the state board of health or its representatives, all animals in a quarantine area, found on public highways, lands and streets, or not held in restraint on private premises as specified in this act.

Enforcement
of act.

SEC. 4. All proper officials within the meaning of this act are hereby authorized to examine and enter upon all private premises for the enforcement of this act.

Authority to
enter
premises.

SEC. 5. Any owner, or other person in the possession of any animal then being held or maintained in violation of the provisions of this act, shall be subject to arrest on the charge of committing a misdemeanor.

Arrest for
violation.

SEC. 6. For the purpose of providing funds to pay the expenses incurred in connection with the eradication of diseases included under this act, a special fund, to be known as the rabies treatment and eradication fund, is hereby created for each county, city and county, or incorporated city or town in the State of California. All moneys collected in accordance with the following procedure shall be deposited to the credit of this fund with the treasurer of the county, city and county, or incorporated city or town; *provided*, that funds now collected from any dog tax may continue to be collected and used for other purposes specified by local ordinances.

Rabies
treatment
fund
created.

(a) Upon the determination by the state board of health that rabies does exist in any county, city and county, or incorporated city or town, a special dog license tax shall immediately become effective, unless a dog tax is already in force the funds from which are available for the payment of expenditures in accordance with the provisions of this act. This tax shall be levied as follows: An annual tax of one

Special dog
tax.

dollar and fifty cents for each male, two dollars and fifty cents for each female, and one dollar and fifty cents for each neuter dog, the same to be collected by the proper authority at the same time and in the same manner as other taxes are collected; *provided, however*, that there shall be collected at the first collection such proportion of the annual tax as corresponds to the number of months the tax has been in operation plus one year advance payment. After this dog license tax has been established in a county, city and county, or incorporated city or town, it shall be continued in force until an order has been issued by the state board of health declaring that county, or such portion of that county as may be deemed advisable, to be free from rabies or further danger of its spread.

One-half of
fines to credit
of fund.

(b) One-half of all fines collected by any court or judge for violations of the provisions of this act shall be placed to the credit of the rabies treatment and eradication fund of the county, city and county, incorporated city or town in which the violation occurred.

Special
measures
of control.

SEC. 7. Whenever it becomes necessary in the judgment of the state board of health or its secretary, to enforce the provisions of this act in any county, city and county, or incorporated city or town, the said board or its secretary may institute special measures of control to supplement the efforts of the local authorities in any county, city and county, or incorporated city or town whose duties are specified in this act. All expenditures incurred in enforcing such special measures shall be proper charges against the special fund created by the provisions of this act, and shall be paid as they accrue by the proper authorities of each county, city and county, or incorporated city or town in which they have been incurred; *provided*, that all such expenditures which may be incurred after the issuance of the order establishing the said fund and before the first collection of the tax, shall be paid as they accrue from the general fund of the county, city and county, or incorporated city and town; *and, provided, further*, that all expenditures in excess of the balance of money in this fund shall likewise be paid as they accrue from said general fund. All moneys thus expended from the general fund shall be repaid from the said special fund when the collections from said tax have been provided the money.

Expenditures.

DISTRIBUTION OF HOG CHOLERA SERUM.

An act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the controller and treasurer in relation thereto.

(Approved April 21, 1911; Stats. 1911, p. 1064.)

SECTION 1. The regents of the University of California are hereby directed to cause to be prosecuted with all possible diligence, through the agricultural experiment station, the preparation of serums or vaccines that will produce immunity in hogs against the disease known as cholera. University to prepare hog cholera serums.

SEC. 2. The regents of the University of California are hereby further authorized and directed to furnish such serums or vaccines in quantities not exceeding five hundred cubic centimeters as soon as possible after this act takes effect free of charge to any bona fide resident of the State of California who is engaged in the raising of hogs, upon application by such resident hog raiser. Serums to be furnished free.

SEC. 3. The regents of the University of California are also hereby further authorized and directed to furnish to any bona fide resident of this state, who is engaged in the raising of hogs, such serums or vaccines in quantities in excess of five hundred cubic centimeters, upon the applicant paying therefor the actual cost of the production of such serums or vaccines. In excess of 500 cubic centimeters at cost.

SEC. 4. It is herewith provided that no serums or vaccines shall be furnished free of charge to anyone unless the applicant shall have first furnished sufficient evidence that the disease known as cholera exists among his hogs or among the hogs in his immediate neighborhood, and in such latter case evidence shall be furnished by said applicant that there is danger of the disease being communicated to the applicant's hogs. Owner must give evidence of diseased hogs.

SEC. 5. Any person who shall sell, give away or misuse any of the serums so furnished shall, upon conviction thereof be deemed guilty of a misdemeanor, and be punished as in such cases provided by law. Selling, etc., a misdemeanor.

SEC. 6. The director of the agricultural experiment station shall obtain and establish such assistance, equipment, materials, appliances, apparatus and other necessary incidentals as may be necessary to the successful prosecution of this work within the appropriation herein specified. Assistance in prosecution of work.

SEC. 7. The sum of sixteen thousand (\$16,000.00) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, six thousand (\$6,000.00) dollars of which shall be available for the balance of the sixty-second fiscal year and ten thousand (\$10,000.00) dollars of which shall be available during the sixty-third and sixty-fourth fiscal years for the use of said experiment station to be expended by the regents of the University of California in carrying out Appropriation.

the purposes of this act, and the state controller is hereby authorized and directed to draw his warrant for the same, and the state treasurer is hereby directed to pay such warrant.

Disposition
of funds.

SEC. 8. All money appropriated under this act, and all money received for the sale of said serums or vaccines as provided for in section three of this act, shall be paid to the regents of the University of California, and shall be expended under the direction of the director of the agricultural experiment station of said university for the specific purposes herein named.

LICENSING OF PREPARATION OF HOG CHOLERA SERUMS.

An act prohibiting the preparation, sale, barter, shipment or exchange of any worthless, contaminated, dangerous or harmful hog cholera serums or virus; requiring every establishment for the preparation of hog cholera serum, virus, vaccine or antitoxin to be inspected and licensed by the director of the agricultural experiment station of the University of California; and providing penalties for violation of any of the provisions hereof.

(Approved June 1, 1915; Stats. 1915, p. 1064.)

Unlawful to
sell
dangerous
serum.

SECTION 1. It shall be unlawful for any person, firm or corporation to prepare, sell, barter, ship or exchange in this state any worthless, contaminated, dangerous or harmful hog cholera serum, virus, vaccine or antitoxin.

Must be
prepared
under
direction of
University of
California.

SEC. 2. It shall be unlawful for any person, firm or corporation to prepare, sell, barter, ship or exchange in this state any hog cholera serum, virus, vaccine or antitoxin unless and until the said serum, virus, vaccine or antitoxin shall have been prepared under and in compliance with the regulations prescribed by the director of the agricultural experiment station of the University of California, hereinafter referred to as director, at an establishment holding, and operating under, an unsuspended and unrevoked license issued by the director as herein authorized.

Director
authorized
to inspect
serum.

SEC. 3. The director is hereby authorized to examine and inspect all hog cholera serum, virus, vaccine or antitoxin prepared, sold, bartered, shipped or exchanged in this state and to make and promulgate from time to time such rules and regulations as may be necessary to prevent the preparation, sale, barter, shipment or exchange of any worthless, contaminated, dangerous or harmful hog cholera serum, virus, vaccine or antitoxin and to issue, suspend and revoke licenses for the maintenance of establishments for the preparation of hog cholera serum, virus, vaccine or antitoxin.

SEC. 4. The licenses issued under the authority of this act to establishments where hog cholera serums, viruses, vaccines or antitoxins are prepared for sale, barter, shipment or exchange shall be issued on condition that the licensee shall permit the inspection of such establishment and of such products and their preparation; and the director may suspend or revoke any permit or license issued under the authority of this act after opportunity for hearing has been granted the licensee, when the director is satisfied that such license is being used to facilitate or effect the preparation, sale, barter, shipment or exchange of worthless, contaminated, dangerous or harmful hog cholera serum, virus, vaccine or antitoxin.

Licenses for establishments preparing serum.

SEC. 5. The director and each of his agents duly authorized for the purpose may at any time enter and inspect any establishment where any hog cholera serum, virus, vaccine or antitoxin is prepared.

Director may enter establishments.

SEC. 6. Neither this act nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress.

Construction of act.

SEC. 7. Any person, firm or corporation who shall violate any provision of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding one thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Penalty.

SEC. 8. For the purpose of carrying into effect this act the regents of the University of California are hereby authorized to collect and there shall be paid to the regents of the University of California by every manufacturer, importer, agent or dealer in hog cholera serum, virus, vaccine or antitoxin, a license tax of one mill for every cubic centimeter of serum, virus, vaccine or antitoxin sold or distributed, and each manufacturer or importer of any hog cholera serum, virus, vaccine or antitoxin shall file with the secretary of the board of regents of the University of the State of California, quarterly, a sworn statement showing all sales of hog cholera serum, virus, vaccine or antitoxin for the preceding quarter, accompanied by a corresponding amount of the license tax above specified; *provided, however*, that nothing herein shall prevent the sale or distribution of hog cholera serum, virus, vaccine or antitoxin produced in a laboratory holding a license issued by the United States department of agriculture to manufacture or import hog cholera serum, virus, vaccine or antitoxin.

License tax.

DISPOSITION OF DISEASED ANIMALS.

An act to prevent the spread of contagious diseases among animals.

(Approved March 20, 1905; Stats. 1905, p. 317.)

Destruction
of infected
dead animals.

SECTION 1. Any person having the care, custody or control of any animal that dies from tuberculosis, glanders, farcy, Texas fever, or other infectious disease, shall immediately upon the death of such animal cremate or bury the same, or cause the same to be cremated or buried.

Transporta-
tion of
infected
animals.

SEC. 2. Any common carrier of persons or freight that shall transport any animal suffering with or that has died from the diseases, or any of them, mentioned in section one of this act, a greater distance than is necessary to transport such animal to the nearest crematory, shall be deemed guilty of a misdemeanor.

Sale of
infected
animals for
food.

SEC. 3. No animal that has died of any of the diseases named in section one of this act, shall be sold, used or permitted to be used for the food of human beings or sold, used or permitted to be used for the food of any domestic animal or fowl.

Penalty.

SEC. 4. Any person, firm or corporation that shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than five hundred dollars or by imprisonment in the county jail for a term not exceeding one hundred eighty days, or by both such fine and imprisonment.

SEC. 5. This act shall take effect immediately.

Penal Code.

Deposit of
dead animals
in streets,
rivers, etc.

§ 374. Every person who puts the carcass of any dead animal, or the offal from any slaughter-pen, corral, or butcher shop into any river, creek, pond, reservoir, stream, street, alley, public highway, or road in common use, or who attempts to destroy the same by fire within one fourth of a mile of any city, town, or village, except it be in a crematory, the construction and operation of which is satisfactory to the board of health of such city, town, or village; and every person who puts any water-closet or privy, or the carcass of any dead animal, or any offal of any kind, in or upon the borders of any stream, pond, lake, or reservoir, from which water is drawn for the supply of any portion of the inhabitants of this state, so that the drainage of such water-closet, privy, carcass or offal may be taken up by or in such stream, pond, lake, or reservoir, or who allows any water-closet or privy, or carcass of any dead animal, or of any offal of any kind, to remain in or upon the borders of any such stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him, so that the drainage from which such water-closet, privy, carcass, or offal, may be taken up by or in such stream, pond, lake, or reservoir; or who keeps any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corralled, or housed on, over, or on the borders of any stream, pond, lake, or reservoir,

so that the waters thereof become polluted by reason thereof; or who bathes in any such stream, pond, lake or reservoir; or who by any other means fouls or pollutes the waters of any such stream, pond, lake, or reservoir; is guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section three hundred and seventy-seven.

§402. Any person who shall knowingly sell, or offer for sale, or use, or expose, or who shall cause or procure to be sold, or offered for sale, or used, or expose any horse, mule or other animal having the disease known as glanders or farcy, or who shall bring, or cause to be brought, or aid in bringing into the state any sheep, hog, horse, or cattle, or any domestic animal knowing the same to be affected with any contagious or infectious disease, shall be guilty of a misdemeanor. Using or exposing animals with glanders or farcy.

§402b. Every animal having glanders or farcy shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or person omitting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor. Animals having farcy or glanders to be killed.

§402d. Any person or persons, company or corporation, owning or having possession or control of any animal affected by any contagious or infectious disease, who shall fail to keep the same within an enclosure, or herd the same in some place where they will be secure from contact with other animals of like kind not so affected, or who shall suffer such infected animals to be driven on the public highway or to range where they will be likely to come in contact with other animals not so affected, shall be guilty of a misdemeanor, and on conviction, punished by a fine of not more than five hundred dollars for each offense. Diseased animals to be kept within enclosure.

§402e. Any practitioner of veterinary medicine in the State of California who shall, upon gaining information thereof, fail to immediately report in writing to the state veterinarian the location, description, and name and address of the owner or person in charge, if known, of any animal or animals affected with any one of the following diseases: glanders, anthrax, blackleg, hog cholera, swine plague, verminous bronchitis, sheep scab, mycotic lymphangitis, aphthous fever, or Texas fever, shall be deemed guilty of a misdemeanor. Report of diseased animals to state veterinarian.

INSPECTORS OF LIVESTOCK.

Political Code.

§4056a. The board [of supervisors] shall adopt orders and enact ordinances not in conflict with state or federal laws necessary for the preservation of the health of domestic livestock, and shall provide for the payment of all expenses incurred in enforcing the same, which expenses shall be a county charge and payable in the same manner and out of the same funds as other county charges are paid. County to preserve health of livestock.

§4149. The livestock inspector shall be appointed by the board of supervisors whenever in the discretion of such board Appointment.

the interest of the public welfare demands the services of such an officer, and such officer shall hold his office at the pleasure of the appointing power. He shall receive a salary in the sum of one hundred and twenty-five dollars per month, which salary shall be paid at the same time and in the same manner and out of the same funds that other county officers are paid.

Duties.

§4149a. It shall be the duty of the livestock inspector, acting under the supervision of the state veterinarian, to enforce all laws of the State of California, and all orders and ordinances of the board of supervisors of his county pertaining to the health and sanitary surroundings of all livestock in his county, and for that purpose he is hereby authorized and empowered, by and with the approval of the board of supervisors, to establish, maintain, and enforce such quarantine, sanitary and other regulations as he may deem proper and necessary. He shall give to the duties of his office such time and attention as may be necessary to secure the general protection and advancement of all matters pertaining to the health and sanitary condition of the domestic livestock of his county.

DAIRY LAWS.

PRODUCTION AND STANDARDIZATION OF DAIRY PRODUCTS.

*An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section 17 of an act approved March 4, 1897, entitled "An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all acts and parts of acts inconsistent with this act.**

(Approved April 21, 1911. Amendments approved May 4, 1915; June 11, 1915; June 1, 1917; May 5, 1919; May 6, 1919. Stats. 1911, p. 959; 1915, pp. 332, 252, 1455; 1917, p. 1654; 1919, pp. 283, 297.)

Sale of
unclean
milk,
etc.,
prohibited.

SECTION 1. No person, firm or corporation, by themselves or their agents or employees, shall sell, expose for sale, or offer for sale, or shall exchange, present, or deliver to any creamery, cheese factory, milk condensing factory, or other buyer or

*For list of dairy laws, which, though not expressly repealed, have been incorporated in or superseded by certain provisions of this act, see "California State Dairy Laws," issued by the Department of Agriculture, Division of Animal Industry.

consumer of milk or milk products, any unclean, unwholesome, stale, or impure milk, cream, butter or condensed or evaporated milk, or other article produced from such milk or cream, neither shall any person or persons, firm or corporation, by themselves or their agents or employees, sell, expose for sale, or offer for sale, or exchange, present or deliver to any consumer, creamery, cheese factory, milk condensing factory, or any other buyer or consumer, any milk, cream, butter, cheese, condensed milk or other products manufactured therefrom, which has been produced in or by a dairy, or factory of dairy products, or that is or has been handled in any store or depot, that is in an unsanitary condition, or that is produced from cows affected by any disease, or from cows within five days after or fifteen days preceding parturition. *Birth*

SEC. 1a. Every person, firm or corporation, not a common carrier, who receives from a common carrier in cans, bottles, vessels, or other containers, any milk, cream and ice cream intended for human consumption, which has been transported over any railroad, or boat or freight line, or by other common carrier, or auto truck, which said cans, bottles, vessels, or other containers, are to be returned to the consignor or shipper, shall cause the said empty cans, bottles, vessels, or other containers, to be thoroughly cleansed and sterilized by boiling water or superheated steam before return shipment of the same; *provided, further*, that all empty cans, bottles, vessels, or other containers, delivered to the consumer by the retailer shall be thoroughly and immediately cleansed before returning the same to the dealer or distributor. (Added, Stats. 1917, p. 1657.)

Milk
containers to
be cleansed.

SEC. 2. A dairy shall be deemed unsanitary within the meaning of this act, among other causes that render milk, or products made therefrom, unclean, impure, and unhealthy, in the following cases:

Unsanitary
dairies.

(a) If the drinking water is stagnant, polluted with manure, urine, drainage, decaying vegetable or animal matter.

(b) If the yards or enclosures are filthy or unsanitary or if any part of such yards or enclosures, other than pastures, are made the depositories of manure in heaps or otherwise where it is allowed to ferment and decay.

(c) If a suitable milk house or room is not provided and maintained, properly screened to exclude flies and insects, for the purpose of cooling, mixing, canning, and keeping the milk. Said milk house or room, shall not be located in or be a part of any residence, or dwelling house, or any barn or poultry house, and shall not be used for any other purpose whatsoever.

(d) If any milk or cream shall be cooled, stored, mixed, canned, or kept in any room or place which is occupied by any person or persons as a sleeping or living apartment, or occupied by horses, cows, hogs or other animals, or fowls of any kind, and if the milk or cream shall not be cooled to as

low a temperature as practicable within one hour after it is drawn from the cows.

(e) If any urinal, privy vault, open cesspool, horse stable, pig pen, stagnant water, accumulation of manure or other filth shall be permitted within one hundred feet of any such milk house or room or within fifty feet of any cow stalls or stanchions or other place where milking is done.

(f) If the walls become soiled with manure, urine or other filth.

(g) If to the interior of cattle stables, barns, milking sheds, milk house or room, an application of lime whitewash is not made at least once in two years, or oftener if in the judgment of the agent of the state dairy bureau it is needed, or if in the mangers, or other receptacles from which cows are fed, decaying food or other material is allowed to accumulate.

(h) If the pails, cans, bottles or other containers of milk, or its products, or the strainers, coolers or other utensils coming in contact with the milk or its products, are not sterilized by boiling water or superheated steam each and every time the same are used.

(i) If the person or wearing apparel of the dairyman, his employees, or other persons, who come in contact with milk and its products, are soiled or not washed from time to time with reasonable frequency. (As amended, Stats. 1917, p. 1655.)

Unsanitary
creameries,
etc.

SEC. 3. A creamery or any factory of dairy products, or any store, depot or other place where milk is handled or kept for sale, shall be deemed unsanitary under the meaning of this act, among other causes that render milk, or products made therefrom, unclean, unwholesome, impure, stale or of low grade or inferior quality, in the following cases:

(a) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or if it is received in cans or other containers that have not been sterilized by means of boiling water or superheated steam after each delivery.

(b) If the utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or superheated steam, after each using.

(c) If the floor is so constructed as to permit the flowing or soaking of water, milk or other liquids underneath or among the interstices of such floor, where fermentation and decay may take place, or if such floor may not be readily kept free from dirt.

(d) If drains are not provided that will convey refuse milk, water and sewage away to a point at least fifty yards distant from such creamery or factory of dairy products, or if any cesspool, privy vault, hog yard, slaughter house, manure or any decaying vegetables or animal matter, shall be within a distance that will permit foul odors to reach any such creamery

or other factory of dairy products or store or depot where milk or its products are sold or handled.

(e) If such creamery or factory of dairy products does not permit access of light and air sufficient to secure good ventilation.

(f) If in any building or buildings used in connection with any creamery, or factory of dairy products, any insects or other species of animal life are permitted, or if upon the floor, the sides or the walls, any milk or its products, or any other filth is allowed to accumulate, or ferment, or decay, or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products, in any creamery, or factory of any dairy products, shall be unclean and not washed from time to time with reasonable frequency.

SEC. 4. No person, firm or corporation shall hereafter sell, offer for sale, or receive for the purpose of sale, any milk, skim milk or cream, except such sale, offer, or receipt, shall, as to quantity, be based upon the liquid gallon, containing two hundred and thirty-one cubic inches, or the liquid quart containing fifty-seven and seventy-five one hundredths cubic inches, or the proper and complete liquid subdivision thereof; *provided*, that nothing in this act shall be construed as prohibiting the buying or selling of milk or cream either by weight or on the basis of its butter fat contents; *and provided, further*, that in any hotel, restaurant, or other eating place, where milk is sold with meals, or where it is sold to be drunk immediately, it may be sold by the glass. Liquid gallon measure.

SEC. 5. No person, firm or corporation shall sell, exchange, or offer or expose, or have in its possession for sale or exchange, any milk, cream, skim milk, ice cream, butter, buttermilk, cheese or other milk products, as and for pasteurized milk, cream, skim milk, ice cream, butter, buttermilk, cheese or other milk product, as the case may be, nor use the word "pasteurized" or any of its derivatives in connection with the sale, designation, advertising, labeling, or billing of any milk, cream, skim milk, ice cream, butter, buttermilk, cheese or other milk products, unless the same and all products of milk contained therein or used in the manufacture thereof consist exclusively of milk, skim milk or cream which has been treated by the process of pasteurization, as defined and regulated in subdivision fifteen, section twenty-nine, of this act. It shall be unlawful for any person, firm or corporation to sell, offer for sale, or to cause or permit to be sold or offered for sale, any butter in prints or packages or otherwise other than by or in terms of pounds and ounces, avoirdupois, or for a greater weight than the true net weight thereof. (As amended, Stats. 1915, p. 332.) Pasteurized milk, etc., must conform to regulations of this act.

SEC. 6. Every person, firm or corporation operating any dairy, where more than four cows are milked, and every creamery, cheese factory, receiving station, skimming station, ice cream or ice milk manufacturer, or milk condensary, shall on Butter must be sold in terms of pounds.

Registration of dairies.

or before the first day of November of each year, cause to be registered with the secretary of the state dairy bureau* a statement showing the full name and address of such person, firm or corporation so operating the same, and also the full name and address of the owner or owners of the business so being operated, in case the person operating the same is not the owner, together with a statement of the class of such business carried on by such person or corporation, and the number of cows then being milked, in case of a dairy.

Annual
report.

SEC. 7. The secretary of the state dairy bureau* shall provide blanks for reporting dairy statistics, and he shall annually, on or before the first day of October each year, cause to be mailed to each person, firm or corporation engaged in operating any dairy making butter or cheese from more than four cows, and to all dairies where more than four cows are milked, and to all creameries, cheese factories, ice cream or ice milk manufacturers, and milk condensaries, one or more of such blanks, and each such person, firm or corporation shall, on or before the first day of November following, make out and transmit to said secretary of the state dairy bureau a full and accurate report of the amount of butter, cheese or other dairy products, manufactured or produced during the year ending September thirtieth, and the dairies shall report the number of cows milked during said year.

Producer of
butter must
be designated
on wrapper.

SEC. 8. In case any butter is sold, or offered for sale, in a package or wrapper purporting to designate the producer of such butter, such producer must be correctly designated. In case any butter is sold, or offered for sale, in a package or wrapper, or under a label purporting or calculating to designate the place of production, such package, wrapper, or label must correctly name the place where made; or if such package, wrapper or label bears the name of any county, city and county, city or town in this state or any other geographical designation, such package, wrapper, or label must also correctly name the place where made. No person, firm or corporation shall put up in package or wrapper, or otherwise prepare for shipment or sale, any butter under a label purporting to designate the producer, place of production, or bearing the name of any county, city and county, city or town of this state, or any other geographical designation, except in accordance with the provisions hereof; nor shall any person, firm or corporation sell or offer for sale any butter in a package, wrapper, or under a label purporting to designate the name of the producer or the place of production or bearing the name of any county, city and county, city or town of this state or geographical designation, except in accordance with the provisions

*By section 8 of the Act of 1919, creating a Department of Agriculture (see page 9 hereof), the duties and powers of the State Dairy Bureau were transferred to this department. Upon the organization of the department, these duties were assigned to the Division of Animal Industry. "State Dairy Bureau" should be read therefore, "Department of Agriculture, Division of Animal Industry."

hereof. (As amended, Stats. 1915, p. 352; in effect January 1, 1916.)

SEC. 9. For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, milk or cream, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard-oil, cocoanut-oil, peanut-oil, intestinal fat, and offal-fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter; or butter substitute; and for the purposes of this act, every article, substance, or compound, other than that produced from pure milk, or cream from the same, made in semblance of cheese, and designed to be used as a substitute for cheese made from pure milk or cream, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet, and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; *and provided*, that nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese. (As amended, Stats. 1919, p. 297.)

Oleomargarine defined.

SEC. 10. No person, by himself or his agents or servants, shall render, manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or to use or to serve to patrons, guests, boarders, or inmates in any hotel, eating house, restaurant, public conveyance or boarding house, or public or private hospital, asylum, or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product, or compound shall be colored in imitation of butter or cheese produced from unadulterated milk or cream, or be made to resemble yellow butter in color, by whatever means the coloring is accomplished; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances or compounds, designed to be used as an imitation, or as a substitute for butter or cheese made from pure milk or cream from the same, in a separate and distinct form not resembling butter or cheese, and in such a manner as will advise the purchaser and consumer of its real character, free from coloration or ingredients that cause it to look like butter or cheese made from pure milk or cream, the product of the dairy.

Sale of imitation butter prohibited.

Branding of
oleo-
margarine.

SEC. 11. Each person, who, by himself or another, lawfully manufactures any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, shall mark the same by branding, stamping, or stenciling upon the top and sides of each tub, firkin, box, or other package in which such article or substance shall be kept, and in which it shall be removed from the place where it is produced or put up, in a clear and durable manner, in the English language, the words "oleomargarine," or "substitute for butter," or "substitute for cheese," as the case may be, in printed letters in plain roman type, each of which shall not be less than one inch in height by one-half inch in width, and in addition to the above shall prepare a statement, printed in plain roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such oleomargarine, imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box, or other package, and next to that portion of each tub, firkin, box or other package, as is commonly and most conveniently opened, and shall label the top and sides of each tub, firkin, box, or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "oleomargarine," "substitute for butter," or "substitute for cheese." The absence of the markings and labelings specified in section 11 hereof shall always be construed as a representation that the contents of substance in question is butter, or cheese, as the case may be.

Absence of
markings.

Shipping of
oleomar-
garine.

SEC. 12. No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided by section eleven of this act; and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured, marked, and labeled as hereinbefore provided, and unless it is consigned and by the carrier receipted for by its true name; *provided*, that this act shall not apply to any goods in transit between foreign states across the State of California.

Marking of
oleomargarine
packages.

SEC. 13. No person or his agent shall knowingly have in his possession or under his control any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the tub, firkin, box or other package containing the same, shall be clearly and durably marked and labeled as provided by section eleven of this act, and also contain a copy of the statement required by said section eleven of this act; and if the tub, firkin, box, or other package be opened, then a copy of the statement described in said section eleven of this

act shall be kept with its face up, upon the exposed contents of said tub, firkin, box, or other package; *provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family, and for no other purpose.

SEC. 14. No person, by himself or another, shall sell, or offer for sale, or take orders for the future delivery of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, under the name of butter, or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly, at the time of the sale, of its true name and character, and that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser, at the time of the sale, a separate and distinct copy of the statement described in section eleven of this act; and no person shall use in any way in connection or association with the sale, or exposure for sale, or advertisement of any oleomargarine or any substance designed to be used as a substitute for butter or cheese, the words "butterine," "creamery," or "dairy," or the representation of a cow or any breed of dairy cattle, or any combination of such words and representations, or any other words or symbols, or combinations thereof, commonly used by the dairy industry in the sale of butter or cheese.

Sale of
oleomar-
garine.

SEC. 15. No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch counter, or other place of public entertainment, and no person having charge thereof or employed thereat, and no person furnishing board, for others than members of his own family, and no employee where such board is furnished as the compensation or as a part of the compensation of any employee, shall place before any patron or employee, for use as food, any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the same be accompanied by a copy of the statement described in section eleven of this act, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

Notice by
hotel
keepers, etc.,
when serving
oleomar-
garine.

SEC. 16. No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this act, by or through any person, who was knowingly a party to such wrongful sale or other contract.

Maintaining
actions on
contract.

Every person having possession or control of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, which is not marked as required by the provisions of this act shall be presumed to have known, during the time of such possession or control, that the same was imitation butter, or imitation cheese, as the case may be.

SEC. 17. No person shall efface, erase, cancel, or remove any mark, statement, or label required by this act, with intent

Erasing
labels.

to mislead, deceive, or with intent to violate any of the provisions of this act.

Butter used
in charitable
institutions.

SEC. 18. No butter or cheese not made wholly from pure milk or cream, salt, and harmless coloring matter, shall be used in any of the charitable or penal institutions that receive assistance from the state.

Having
possession of
oleomargarine.

SEC. 19. Whoever shall have possession or control of any imitation butter or imitation cheese or any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, contrary to the provisions of this act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter three, of title twelve, or part two, of an act to establish a penal code; *provided*, that it shall be the duty of the officer who serves a bench warrant issued for imitation butter or imitation cheese, or oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, to deliver to the agent or inspector of the state dairy bureau,* or to any person by such dairy bureau authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese, or oleomargarine, or a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section fifteen hundred and thirty-six of an act to establish a penal code; but if any sample be found not to be imitation butter or imitation cheese, or oleomargarine, and not a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned forthwith to the person from whom it was taken.

Bench
warrant
to take
samples.

Each
package to
be marked.

SEC. 20. No person, firm or corporation, by themselves or their agents or employees, shall sell, offer for sale, or expose for sale, or have in his, its, or their possession for sale, any oleomargarine or any renovated butter, unless the same shall have printed upon each and every package, roll, print, square, and upon any container of such renovated butter, or oleomargarine, the words "renovated butter," or the word "oleomargarine," as the case may be, in letters not less than one-half inch in height, and who shall not have secured from the state dairy bureau, now existing under the laws of this state, a license as provided hereinafter.

Renovated
butter
defined.

SEC. 21. The term renovated butter as used in this act is hereby defined to mean and include butter that has been reduced to a liquid state by melting and drawing off such liquid or butter oil and churning or otherwise manipulating it in connection with milk or any product thereof.

*See note, page 32 hereof.

SEC. 22. No person, firm or corporation, shall engage in the business or occupation of manufacturing, selling, dealing in, or furnishing renovated butter, oleomargarine, or any substance designed to be used as a substitute for butter, without first having applied for and obtained a license so to do, as herein-after provided. Any person, firm or corporation, desiring to engage in the business or occupation of manufacturing, selling, dealing in or furnishing to his, its or their patrons, oleomargarine, or any substance designed to be used as a substitute for butter, or imitation butter, or adulterated butter, or renovated butter, as in this act defined, shall first make application each year to the state dairy bureau* for a license and upon payment of a license fee of the amount mentioned herein, to the state dairy bureau, said bureau shall issue to the applicant a license. All such licenses shall contain the following proviso: *provided*, that this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any oleomargarine, or similar substances designed to be used as a substitute for butter, which contain any coloring matter or which resemble yellow butter in appearance. All said licenses shall expire on June 30th of each year, and may be issued in periods of one year, or less than one year, upon payment of a proportionate part of the license fee. The fees for issuing said licenses are hereby fixed at the amounts below named, annually. The fee for issuing said license to manufacturers of any of said substances within this state shall be one hundred dollars, and if issued to wholesale dealers in, or importers or agents for importers of any of said substances the fee shall be fifty dollars, and if issued to retail dealers in any of said substances the fee shall be five dollars, and if issued to the keeper of any hotel, restaurant, boarding-house or other place where meals are served and payment is received therefor, either immediately or by the day, week or month, the fee shall be two dollars. The term wholesale dealer as used in this section twenty-two hereof includes all persons, firms or corporations, who sell any of said substances in quantities of ten pounds or more at a time or in the same transaction. The term retail dealer includes all persons who sell only in quantities of less than ten pounds. All licenses, while in force, shall be kept conspicuously displayed in the place of business of the party or parties to whom they have been issued.

License to
manufacture,
sell, etc.

Application
for license.

Fees.

Display of
licenses.

It shall be unlawful for any person, firm or corporation, to manufacture, buy, sell, deal in, or furnish to his, its or their patrons, or to have in possession, for any purpose whatsoever other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in case of a warehouse or cold storage company, any oleomargarine, or similar substance designed to be used as a substitute for butter, or any substance resembling butter, but not made wholly from pure milk or cream, or any

Unlawful to
handle, etc.,
without
license.

*See note, page 32 hereof.

imitation butter, or adulterated butter, or renovated butter, as in this act defined, without first having applied for and obtained from the state dairy bureau of the State of California the license herein required.

Disposition
of fees.

SEC. 23. All license fees paid to the state dairy bureau* under this act shall be paid by said bureau into the state treasury, and shall be added to the appropriation made for the same fiscal year for the state dairy bureau, and its expenditure shall be at the disposal of said bureau for its use.

Records of
sales, etc.

SEC. 24. Every person, firm or corporation, who is required by the provisions of section twenty-two hereof to obtain and hold a manufacturer's or a wholesaler's or importer's license shall keep a correct record in a form separate from all other business, in which every sale and purchase of renovated butter, imitation butter, oleomargarine, or any substitute for butter or substance designed to be used as a substitute for butter, or resembling butter, which substance is not made wholly from pure milk or cream, or any imitation cheese or imitation dairy products of any kind, shall be recorded at the time of the transaction, giving in detail the quantity sold or purchased, the name and location of the buyer or seller, the date, and the place to which it was shipped or delivered, and by whom the order or sale was put up and delivered. Every warehouse, cold storage company, boat, railroad or other transportation company shall keep a correct record of all oleomargarine, imitation butter, renovated butter, substitute for butter, imitation cheese, or other imitation dairy products, which at any time may be in their possession, or which may be transported or stored by them, showing the owner, the quantity and kind of goods, the date when stored, and when removed, in case of warehouses and cold storage companies, and showing the character of goods billed, the quantity, the name and address of consignor and consignee, and the date of transportation, in case of boats and railroad companies.

Records open
to inspection.

All said records herein required to be kept shall, at all times during business hours, be open to the inspection of the agents and inspectors of the state dairy bureau* and of any officer of any city or county board of health, and of any peace officer of any city or any county of the state.

Failure to
keep records.

A failure to keep any of the records herein required to be kept or to permit the inspection of such records, by any inspector or agent of the state dairy bureau, or of any city or county board of health, or by any peace officer of any city or county, as herein required, is hereby declared to be a misdemeanor, and punishable as provided herein.

Weighing and
sampling
milk.

SEC. 25. It shall be unlawful for any hauler of milk, or cream, or any person, firm or corporation receiving or purchasing milk or cream by weight or test or both, or by measure or test or both, to fraudulently manipulate the weight, measure or test of milk or cream of any person or to take unfair sam-

*See note, page 32 hereof.

ples thereof, or to fraudulently manipulate such samples. The hauler or other agent shall weigh or measure the milk or cream of each patron accurately and correctly and shall report such weights or measurements accurately and correctly to the creamery or factory. He shall thoroughly mix the milk or cream of each patron by pouring or stirring until such milk or cream is uniform and homogeneous in richness, before the sample is taken from such milk or cream. When the weighing or sampling is done at the creamery, shipping station or factory, the same rule shall apply.

It shall be unlawful for any person, firm or corporation, by himself or as the agent, servant, employee or officer of any person, firm or corporation receiving or purchasing milk or cream on the basis of the amount of butter fat contained therein, to under-read, over-read or otherwise fraudulently manipulate the Babcock test used for determining the per cent of butter fat in milk or cream, or to falsify the records thereof or to read the test at any other temperature than the correct one, which is one hundred thirty degrees to one hundred forty degrees Fahrenheit, or to pay on the basis of any measurement or weight except the true measurement or weight which is seventeen and six-tenths cubic centimeters for milk and nine grams or eighteen grams for cream; *provided*, that in all tests for cream the cream shall be weighed into the test bottle. All testing of milk or cream purchased on the basis of the amount of butter fat contained therein, shall be done by a licensed tester who shall supervise and be responsible for the operation of the Babcock test of milk or cream. The license shall be issued to such person by the state dairy bureau* whose duty it shall be to examine into the qualifications of all applicants for such license, and every such applicant shall satisfy said bureau of his qualifications and comply with the provisions herein before any license shall be issued to him.

Testing milk.

Licensed
tester.

Every creamery, shipping station, milk factory, cheese factory, ice cream factory, condensory, or any person, firm or corporation receiving or purchasing milk or cream on the basis of butter fat contained therein, shall be required to hold a license so to do. The license shall be issued to such creamery, shipping station, milk factory, condensory, ice cream factory, cheese factory, or person, firm or corporation by the state dairy bureau upon complying with all sanitary laws, rules and regulations of the State of California and upon complying with the provisions of this act and upon payment of a license fee as provided for in this section.

License to
receive milk
on basis
of butter
fat contained.

All licenses required herein shall expire on the thirty-first day of December of each year and the fee for issuing same shall be one dollar for a full year or twenty-five cents for each remaining quarter or fraction thereof. The licenses may be revoked by the state dairy bureau if, after due notice, the

License
valid one
year.

*See note, page 32 hereof.

licensee fails or has failed to comply with the laws, rules, and regulations under which the license was granted; *provided*, that the provisions of this section shall not apply to individuals, hotels, restaurants, or boarding houses buying milk or cream for private use.

License fees
to be
paid into
state
treasury.

The money for license fees as provided for in this section shall be paid by the state dairy bureau into the state treasury and shall become a part of the funds for the use of the state dairy bureau. (As amended, Stats. 1919, p. 298.)

Inspection
of Babcock
test bottles.

SEC. 26. Every person, firm or corporation receiving or purchasing milk or cream on the basis of the amount of butter fat contained therein as determined by the Babcock test, shall use the standard Babcock test bottles, pipettes and accurate weights and scales as defined in this act, and all Babcock test bottles and pipettes shall have been inspected for accuracy by the state dairy bureau* or its agent and shall be legibly and indelibly marked by the state dairy bureau or its agent with the letters "D. B."

It shall be unlawful for any firm or corporation or any of their agents to use any other than standard test bottles and pipettes which have been examined and marked as provided by this section, to determine the amount of fat in milk or cream received or purchased on the butter fat basis.

For all testing of glassware by the said state dairy bureau or its agent, a fee of five cents shall be paid by the owner of said glassware to the state dairy bureau for every piece of glassware so examined, and said fee shall be used by the state dairy bureau to defray the cost of testing such glassware. (Added, Stats. 1917, p. 1659.)

Specifications
for standard
Babcock
testing
glassware.

SEC. 27. The term "standard Babcock testing glassware" shall apply to glassware and weights complying to the following specifications: (a) Graduation for milk test bottles. The total per cent graduation shall be eight. The graduated portion of the neck shall have a length of not less than sixty-three and five-tenths millimeters (two and one-half inches) and the graduation shall represent whole per cent, five-tenths per cent, and tenths per cent. The tenths per cent graduation shall not be less than three millimeters in length; the five-tenths per cent graduations shall be one millimeter longer than the tenths per cent graduations, projecting one millimeter to the left; the whole per cent graduations shall extend at least one-half way around the neck to the right and projecting two millimeters to the left of the tenths per cent graduations. Each per cent graduation shall be numbered, the number being placed on the left of the scale. The error at any point of the scale shall not exceed one-tenth per cent.

The neck shall be cylindrical and the cylindrical shape shall extend for at least nine millimeters below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten millimeters.

*See note, page 32 hereof.

The capacity of the bulb up to the junction of the neck shall not be less than forty-five cubic centimeters. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between thirty-four and thirty-six millimeters; if conical, the outside diameter of the base shall be between thirty-one and thirty-three millimeters, and the maximum diameter between thirty-five and thirty-seven millimeters. The charge of the bottle shall be eighteen grams. The total height of the bottom shall be between one hundred fifty and one hundred sixty-five millimeters (five and seven-eighths and six and one-half inches).

(b) Two types of bottles shall be accepted as standard cream test bottles, a fifty per cent nine gram long-neck bottle, and a fifty per cent eighteen gram long-neck bottle.

Fifty per cent, nine gram, long-neck bottle: *Graduation*—The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than one hundred twenty millimeters (four and three-quarters inches). The graduation shall represent five per cent, one per cent and five-tenths per cent. The five per cent graduations shall extend at least half way around the neck (to the right). The five-tenths per cent graduations shall be at least three millimeters in length and the one per cent graduations shall have a length intermediate between the five per cent and the five-tenths per cent graduations. Each five per cent graduation shall be numbered, the number being placed on the left of the scale.

Neck—The neck shall be cylindrical and of uniform internal diameter throughout. The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than ten millimeters.

Bulb—The capacity of the bulb up to the junction of the neck shall not be less than forty-five cubic centimeters. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical the outside diameter shall be between thirty-four and thirty-six millimeters; if conical, the outside diameter of the base shall be between thirty-one and thirty-three millimeters and the maximum diameter between thirty-five and thirty-seven millimeters.

The charge of the bottle shall be nine grams. All bottles shall bear on top of the neck above the graduations, in plain legible characters, a mark defining the weight of the charge to be used (9 grams).

The total height of the bottle shall be two hundred ten to two hundred thirty-five millimeters (eight and one-fourth to nine and one-quarter inches) and the maximum error in the total graduation or in any part thereof shall not exceed fifty per cent of the volume of the smallest unit of the graduation.

The fifty per cent, eighteen gram, long-neck bottle. The same specifications in every detail as specified for the fifty per cent, nine gram, long-neck bottle, shall apply, with the exception that the charge of the bottle shall be eighteen grams, and the mark defining the weight of the charge placed at the top of the neck shall be eighteen.

The total length of the standard Babcock pipette shall be not more than three hundred thirty millimeters (thirteen and one-fourth inches). Outside diameter of suction tube, six to eight millimeters. Length of suction tube, one hundred thirty millimeters. Outside diameter of delivery tube four and five-tenths to five and five-tenths millimeters. The length of delivery tube one hundred to one hundred twenty millimeters. Distance of graduation mark above bulb, thirty to sixty millimeters. Nozzle straight. Delivery seventeen and six-tenths cubic centimeters of water at twenty degrees centigrade in five to eight seconds.

The sensibility of all scales used for weighing cream samples into the test bottles shall be not more than thirty milligrams and the standard weights shall be nine grams and eighteen grams.

Speed of
tester.

In all testing of milk or cream where the same is received or purchased upon the basis of the amount of butter fat contained therein, the Babcock tester shall be operated at the proper speed, which is as follows:

For tester with diameter of fourteen inches the speed shall be between eight hundred twenty-five and nine hundred seventy-five revolutions per minute.

For tester with diameter of sixteen inches, the speed shall be between eight hundred twenty-five and eight hundred seventy-five revolutions per minute.

For tester with diameter of eighteen inches, the speed shall be between seven hundred seventy-five and eight hundred twenty-five revolutions per minute.

For tester with diameter of twenty inches, the speed shall be between seven hundred twenty-five and seven hundred seventy-five revolutions per minute.

For tester with a diameter of twenty-four inches, the speed shall be between five hundred seventy-five and six hundred twenty-five revolutions per minute. (As amended, Stats. 1919, p. 300.)

Adulterated
milk.

"Product
of milk."

SEC. 28. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell or offer for sale, or have on hand for sale, any milk, including condensed or evaporated milk, or any product of milk, that is adulterated within the meaning of this act. The words "product of milk" as used in this act, shall not apply to any product into which milk, or a product of milk, may enter as an ingredient or component of a food product that does not consist of milk, or milk products alone, such as pastry, and confectionery; *provided*, that this section shall not be construed to prevent the use of

common salt (chloride of sodium) in dairy products. Any label, printed matter, or advertising or descriptive matter appearing upon, or in connection with any package, parcel or quantity of milk or milk products when being sold, offered for sale, or having on hand for sale, and having reference to the article being sold, offered for sale, or on hand for sale, shall conform to the provisions of this act, and if it fails to conform to the provisions of this act, such article shall be deemed adulterated within the meaning of this act. It shall be unlawful for any person under this act, when selling, or offering for sale, or having on hand for sale, milk or any product of milk to use the words "milk," "condensed milk," "sweetened condensed milk," "skim milk," "condensed skimmed milk," "evaporated cream," "cream," "butter," "cheese," "butter-milk," "ice cream," or "ice milk," either verbally, or printed or written on any label or printed matter, in connection with the sale, or offering for sale, or having on hand for sale, of milk or any product of milk, or upon any bill of fare used in any hotel, restaurant or other places where meals are served, when the article shall not conform to the standards and provisions of section twenty-nine of this act.

SEC. 29. Milk and the products of milk enumerated in this section shall be deemed adulterated within the meaning of this act if it or they shall not conform to the following definitions and standards:

(1) Milk is the fresh, clean, lacteal secretion all parts of which within forty-eight hours, if raw, and within sixty hours, if pasteurized, last prior to its delivery to the consumer or purchaser shall have been obtained from the udder by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and contains not less than three per cent of milk fat, and not less than eight and five-tenths per cent of solids—not fat.

(2) Skim milk is milk from which a part or all of the cream has been removed and contains not less than eight and eight-tenths per cent of milk solids.

(3) Condensed milk or evaporated milk, is milk from which a considerable portion of water has been evaporated. The standard of purity of condensed milk and evaporated milk shall be that proclaimed and established by the secretary of the United States department of agriculture.

(4) Condensed skim milk is skim milk from which a considerable portion of water has been evaporated, and contains not less than eighteen per cent of milk solids.

(5) Cream is that portion of milk, rich in milk fat which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean and contains not less than eighteen per cent of milk fat.

(6) Evaporated cream, or clotted cream, is cream from which a considerable portion of water has been evaporated.

Labels to conform.

Definitions and standards.

Milk.

Skim milk.

Condensed milk.

Condensed skim milk.

Cream.

Evaporated cream.

- Milk fat. (7) Milk fat, or butter fat, is the fat of milk and has a Reichert-Meissel number not less than twenty-four and a specific gravity not less than .905 (40 degrees C.)
- Butter. (8) Butter is the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and a harmless coloring, and contains not less than eighty per cent of milk fat.
- Cheese. (9) Cheese is the sound, solid, and ripened product made from milk or cream, by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning, and with or without salt and harmless coloring matter. All cheese marked "full cream cheese," or "full milk cheese," must contain in the water-free substance, not less than fifty per cent of milk fat. All cheese marked "half skim cheese," must contain in the water-free substance not less than twenty-five per cent of milk fat. All cheese not plainly marked or branded as to its quality must contain in the water-free substance not less than fifty per cent of milk fat.
- Buttermilk. (10) Buttermilk is that portion of the cream which remains after the separation and removal therefrom of the butter fat in the process of churning, without the addition of water.
- Ice cream. (11) Ice cream is the frozen product, made from pure sweet milk or condensed milk or cream and sugar with or without a harmless flavoring or coloring, and contains not less than ten per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin.
- Fruit ice cream. (12) Fruit ice cream is the frozen product made from pure, sweet cream, sugar, and sound, clean, mature fruits, and contains not less than eight per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin.
- Nut ice cream. (13) Nut ice cream is the frozen product made from pure, sweet cream, sugar, and sound, nonrancid nuts, and contains not less than eight per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin.
- Ice milk. (14) Ice milk is the frozen product, containing less fat than ice cream, and made from pure, sweet milk and sugar, with or without a harmless flavoring or coloring, and contains not less than two and four-tenths per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatin.
- Pasteurization. (15) The process of pasteurization, as applied to milk, skim milk, cream and milk products, is hereby defined to be a process for the elimination therefrom of organisms harmful to human beings, which process shall consist of uniformly heating such milk, skim milk or cream, as the case may be, to a temperature of not less than one hundred forty degrees Fahrenheit and of holding the same at the said tempera-

ture for a period of not less than twenty-five minutes, and immediately thereafter of cooling the same to a temperature of not above fifty degrees Fahrenheit; *provided*, that when cream is pasteurized to be used and is used in the manufacture of butter, or when milk is pasteurized to be used and is used in the manufacture of cheese, and where the process of ripening or starting in each case is to be commenced immediately, then it shall not be required that such cream or milk be cooled to a lower degree than is necessary for such ripening or starting. All pasteurized cream or milk used in the manufacture of pasteurized butter and cheese, respectively, shall be pasteurized at and in the plant where such butter or cheese, as the case may be, is manufactured therefrom. Repasteurization of any milk is hereby expressly forbidden. Repasteurization forbidden.

Also all apparatus used for the pasteurization of milk, skim milk or cream shall be kept in strictly clean and sanitary condition and shall be equipped with a recording thermometer device which will accurately record the temperature to which, and the length of time for which the pasteurized product has been heated. All recording thermometer devices used in the pasteurization of any such milk, skim milk or cream must be approved by and at all times subject to the approval of the state dairy bureau, the state board of health, and of all other state, county and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health; and all persons, firms or corporations using pasteurizing apparatus within the State of California shall preserve and keep on file, for a period of not less than two months after the same are made, all records made by such thermometer, or in lieu of such preservation may deliver such records to any public officer authorized by law or ordinance to receive the same, and said records shall, at all times, be open to the inspection of the state dairy bureau, the state board of health, and of all other state, county and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health. (As amended, Stats. 1915, p. 333.) Pasteurization apparatus to be kept clean.

SEC. 30. It shall be unlawful for any person, firm or corporation to sell, exchange or deliver, or to offer for sale, exchange or delivery, or to cause or permit to be sold, exchanged or delivered, or to be offered for sale, exchange or delivery, or to have in possession for sale, exchange or delivery, any milk from which any part of the cream shall have been removed, or any skimmed milk, unless the same be offered for sale and sold as skimmed milk, or unless there shall be attached to the outside of every vessel, can or package from or in which such skimmed milk is sold or held for exchange or delivery, a tag upon which shall be printed in black letters at least one inch in height the word "skim" or the words "skimmed milk." Unlawful to sell skimmed milk not labeled.

Rules and
standards for
marketing.

SEC. 30a. The following rules and standards must be observed by all persons, firms or corporations engaged in the preparation of dairy products for market or delivery thereto:

(1) The owner's name, or other identification mark, the nature of which shall be made known to the dairy inspectors shall appear permanently and in a conspicuous place on or be attached to every milk or cream bottle, can or container.

(2) All milk, cream and ice cream cans, bottles and containers shall be kept clean and shall be thoroughly washed and sterilized after each using. (Added, Stats. 1919, p. 284.)

Standards
for carriers.

SEC. 30b. All carriers of dairy products, whether producer, gratuitous private carrier other than the producer, private carrier for hire, or common carrier, in transporting milk and cream shipping containers shall observe and maintain the following standard:

(1) All cars or other vehicles, while hauling milk or cream, shall be kept clean and all containers shall be so covered as to protect the milk or cream at all times from dust and from the rays of the sun.

(2) All milk or cream cans or other shipping containers, while containing milk, cream, or other dairy products, shall be handled carefully, and kept right end up.

(3) Every vehicle, railway car or boat in which milk or cream is transported shall be kept in a sanitary condition. Every vehicle and every boat transporting milk or cream either shall be enclosed or shall provide canvas covering to protect the milk and cream at all times from the sun or from the outside warm air, except only while taking on or discharging freight. No fowls, fresh meat or other contaminating things shall be kept or carried on top or in close proximity to milk, cream, or other dairy products.

(4) No milk or cream and no empty cans, bottles or other containers shall be hauled in any vehicle for hauling manure or garbage or in any other unclean vehicle, car or boat.

(5) Nothing herein shall be construed to derogate from any powers or authority of the railroad commission of the State of California. (Added, Stats. 1919, p. 284.)

Rules for
assembled
dairy
products.

SEC. 30c. Persons producing or marketing assembled dairy products must conform to the following rules: All the ingredients used in the process of assembling must conform to all the standards of purity set for such ingredients and must have been produced under the same sanitary conditions and regulations required for the production of milk and cream where such products are sold, and such products must be labeled as herein provided for assembled products in imitation of milk, cream and ice cream.

All assembled dairy products to which has been added any condensed or evaporated milk, or any condensed or evaporated skimmed milk, or any dry milk or milk powder or any skimmed milk or skimmed powder or any butter or sweet butter or dairy products that have been produced by the mechanical

assembling of any of the natural ingredients of milk or cream, shall be so labeled on each container thereof with the words "assembled from milk, butter, milk powder, skim milk or other milk products," as the case may be, correctly naming on the label, bill of sale, invoice and bill of fare, all the ingredients used in such assembled goods, in plain letters of the English language at least one-eighth of an inch in height; and no other names or prefixes shall be used than those by which such ingredients are separately known to the commercial trade. (Added, Stats. 1919, p. 284.)

SEC. 30d. Any person who violates any provision of section thirty c of this act or who directs or knowingly permits an employee to violate any of said provisions, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment. Penalties.

Any firm, corporation, society or association which violates any of said provisions shall be guilty of a misdemeanor and upon conviction shall be fined as above provided.

In the event an officer, director, manager or managing agent of any firm, corporation, society, or association violates any of the provisions of section thirty c of this act, or directs or knowingly permits any employee to violate any of said provisions, such officer, director, manager or managing agent shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine or imprisonment or both as above provided; and, in such a case, the firm, corporation, society or association shall also be guilty and upon conviction shall be fined as above provided. One-half of all such fines shall be paid into the state treasury and placed to the credit of the general fund.

SEC. 31. All wagons, vehicles, or carts from which market milk, cream, butter, ice cream, buttermilk, or ice milk are sold, marketed, delivered, or peddled, shall have the name and address of the owner plainly painted thereon, in letters at least three inches high, and one and a half inches wide, on both sides of such vehicle. Wagons, etc., to bear owner's name.

SEC. 32. It shall be unlawful for any person, firm or corporation to manufacture for sale, sell or furnish with meals or drinks which are sold, any frozen edibles, made principally of skimmed milk, or principally of milk, unless the same shall conform to the definitions and standards herein fixed in section twenty-nine for "ice milk," or "ice cream." "Ice milk" to be properly labeled.

SEC. 33. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell, or to offer for sale, or to have on hand for sale, any milk, or product of milk, to which has been added, or that may contain, any compound of boron, salicylic acid, formaldehyde, or other chemical or substance for the purpose of preventing or delaying fermentation Use of borax, etc., to prevent souring.

Use of
coloring
matter.

or souring. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell, or to offer for sale, or to have on hand for sale, any milk, cream or condensed milk to which any coloring matter has been added by any person, or to which any gelatin or other substance has been added by any person to increase the consistency of such milk, cream or condensed milk, so as to make such milk, cream or condensed milk appear richer or of better quality; *provided*, that this section shall not be construed to prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese.

Ice milk
not to be
sold as
ice cream.

SEC. 34. It shall be unlawful for any person, firm or corporation, manufacturing any frozen goods, which do not conform to the standards and provisions of this act for ice cream, to sell, or offer to sell, or represent the same as ice cream, or under the name of ice cream; and all frozen goods which do not conform to the standards and requirements of this act for "ice cream," but which do conform to the standards and requirements for "ice milk" herein, for the purpose of this act shall be known as "ice milk," and shall be sold and designated as "ice milk," and not otherwise, and shall be billed as "ice milk," and every person, firm or corporation selling, furnishing or delivering to any person any such "ice milk" shall distinctly inform the purchaser at the time in each and every instance that the said goods are "ice milk." The absence of such declaration shall always be construed as a representation on the part of the vendor that the goods are ice cream.

Ice milk
receptacles
to be
labeled.

Every tub, receptacle or packer in which there shall be kept, sold, or delivered, at any time, any "ice milk," as herein defined, shall have conspicuously and securely attached thereto a durable tag, giving the name and address of the manufacturer or vendor of the same, and containing the words "ice milk" in letters at least one inch high and one-half inch wide, and containing no other reference to the name or character of the goods therein contained. The absence of such tag or label shall always be construed as a representation on the part of the maker or vendor that said goods are ice cream.

Ice milk
wagons to be
labeled.

Every wagon, vehicle or cart, in or from which any "ice milk" shall be sold, furnished, delivered or peddled, shall have plainly and durably painted on both sides thereof, the name and address of the owner, in letters at least three inches high and one and a half inches wide, and also the words "ice milk" on each side thereof, in letters at least four inches high, and two inches wide, and there shall be no other reference to the name and character of the goods being sold or delivered. The absence of such words and letters shall always be construed as a representation on the part of the owner or vendor that said goods are ice cream.

Sellers to
post ice
milk signs.

Every person, firm or corporation, who sells, keeps for sale, delivers, or furnishes in connection with meals, or in connection with drinks, or otherwise, any ice milk, within the mean-

ing of this act, to be used or eaten on the premises where sold, shall keep at all times posted or hung in at least two conspicuous places within the premises, and in plain view of the public, durable signs having printed or painted thereon the words "we sell ice milk," or "we serve ice milk," in letters at least four inches high and two inches wide. The absence of such signs, words and letters, as herein required shall always be construed as a representation on the part of the owner, or person selling or serving the goods, that they are ice cream.

It shall be unlawful for any person, firm or corporation to manufacture, sell, deliver, furnish, serve, or keep on hand any ice milk, within the meaning of this act, unless the same is done in compliance with all the requirements hereof.

SEC. 35. Every person, firm or corporation, who shall manufacture cheese in the State of California, shall at the place of manufacture, brand distinctly and durably on each and every cheese manufactured, and upon the package or box, when shipped, the grade of cheese manufactured, as follows: "full-cream cheese," or "half-skim cheese," or "skim cheese."

Branding
cheese.

All brands for branding the different grades of cheese shall be procured from the state dairy bureau,* and said bureau is hereby directed and authorized to issue to all persons, firms or corporations, upon application therefor, uniform brands, consecutively numbered, of the different grades specified in this section. The state dairy bureau shall keep a record of each and every brand issued, and the name and location of the manufacturer receiving the same. No manufacturer of cheese in the State of California other than the one to whom such brand is issued, shall use the same, and in case of a change of location, the party shall notify the bureau of such change.

Brands
furnished by
dairy
bureau.

The different grades of cheese are hereby defined as follows: *First*—Such cheese only as shall have been manufactured from pure milk, and from which no portion of the butter fat has been removed by skimming or otherwise, and having not less than fifty per cent of butter fat in its water-free substance, which shall be conspicuously branded as "full-cream cheese." *Second*—Such cheese only as shall have been made from pure milk, and having not less than twenty-five per cent of butter fat in its water-free substance, which shall be conspicuously branded as "half-skim cheese." *Third*—Such cheese only as shall have been made from pure skim milk, which shall be conspicuously branded as "skim cheese."

Grades of
cheese.

No person or persons, firm, association or corporation shall sell or offer for sale in this state any cheese which is not branded either "full-cream cheese," "half-skim cheese," or "skim cheese," in accordance with its butter fat content. (As amended, Stats. 1917, p. 1656.)

SEC. 36. The word "persons" as used in this act shall be construed to import both the singular and plural, as the case demands, and shall include individuals, corporations, companies, societies and associations. When construing and

"Persons"
defined.

*See note, page 32 hereof.

enforcing the provisions of this act; the act, omission or failure of any employee, officer, agent or other person, acting for or employed by any individual, corporation, company, society or association, within the scope of his employment or office, shall in every case also be deemed to be the act, omission or failure of such individual, corporation, company, society or association, as well as that of the person. The provisions of this act shall be construed to apply to hotel keepers, restaurant keepers and boarding-house keepers or any person who shall serve meals and accept money therefor.

Right to
enter
premises.

SEC. 37. Every agent and inspector of the state dairy bureau,* and every inspector of any city, county or state board of health, is hereby authorized to enter upon and inspect any dairy, dairy premises, creamery, cheese factory, ice cream factory, or other place where dairy products of any kind are being produced, sold, delivered or used, or where they suspect that oleomargarine, or other substances designed to be used as a substitute for butter, or renovated butter, or imitation butter, or imitation cheese are being manufactured, sold, kept, delivered, transported or stored in violation of any of the provisions of this act.

Interference
with
inspectors.

It shall be unlawful for any person, firm or corporation to prevent or interfere with the duly authorized inspectors or agents of the state dairy bureau, or any city, county or state board of health, or the inspectors thereof, from entering or inspecting any place or premises where milk or products of milk or where oleomargarine, or imitation butter or cheese, or renovated butter, or any substance designed to be used as a substitute for butter, are produced, manufactured, prepared, sold, kept for sale, furnished or served, or to prevent or interfere with such inspectors or agents in the event they deem it advisable to secure samples of milk or milk products, or oleomargarine, or imitation butter or cheese, or renovated butter or any substance designed to be used as a substitute for butter, at or from any such place or person, for the purpose of ascertaining whether this act is being violated, or to interfere with or prevent any such inspector or agent from examining any record or books required by the provisions of this act to be open to the inspection of the state dairy bureau, or its agents.

Failure to
conform to
act a
misdemeanor.

SEC. 38. It shall be unlawful for any person, firm or corporation to fail, neglect or refuse to do any of the things required to be done by the provisions of this act; and it shall be unlawful for any person, firm or corporation to do any of the things prohibited by the provisions of this act; and in every case the failure, neglect or refusal to do anything required by this act, and the doing of anything prohibited by this act, is hereby declared to be a misdemeanor, and shall be punished as herein provided.

*See note, page 32 hereof.

SEC. 39. Whoever shall violate any of the provisions of sections nine to twenty-four, both inclusive, of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense, by a fine of not less than fifty dollars, nor more than one hundred and fifty dollars; or by imprisonment in the county jail for not exceeding thirty days; and for each subsequent offense, by a fine of not less than one hundred and fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail for not less than thirty days, nor more than six months, or by both such fine and imprisonment, at the discretion of the court.

Penalty for
violating
sections
9 to 24.

SEC. 40. Whoever shall violate any of the provisions of sections twenty-five to thirty-five, both inclusive, or of section thirty-seven of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars; or by imprisonment in the county jail for not less than ten days and not exceeding sixty days, or by both such fine and imprisonment, at the discretion of the court.

Penalty for
violating
sections
25 to 35,
and 37.

SEC. 41. Whoever shall violate any of the provisions of this act other than sections nine to thirty-five, both inclusive, and section thirty-seven (the punishment for which is provided in sections thirty-nine and forty hereof) shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than two hundred dollars, or by imprisonment in the county jail for a period of not less than ten days nor more than one hundred days, or by both such fine and imprisonment.

Penalty for
violating
other
sections.

SEC. 42. One-half of all the fines imposed for the violation of any of the provisions of this act shall be paid to the county in which the fine is imposed. The other one-half shall be paid to the state treasurer and shall become part of the general fund. (As amended, Stats. 1917, p. 1657.)

Disposition
of fines.

SEC. 43. It shall be the duty of the state dairy bureau,* now existing under the laws of this state, to enforce the provisions of this act; *provided*, that nothing in this act shall be construed to prevent any city or county board of health or other city or county official from enforcing the provisions of this act; *and provided, further*, that no conviction shall be had where a conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed and marked for identification and one of such samples left with the person accused.

Enforcement
by dairy
bureau.

The state dairy bureau is authorized under this act to gather and compile statistics relative to the dairy industry, and to disseminate the same and other information useful to, and to the general good and development of the dairy industry of the state, and to do such other things as will tend to promote the dairy industry of the state.

Statistics of
dairy
industry.

*See note, page 32 hereof.

Report of
diseased
dairy
cattle.

Whenever any agent or inspector of the state dairy bureau shall discover the existence of any contagious or infectious disease among dairy cattle, or have reason to believe that such disease may exist, the same shall be immediately reported to the state veterinarian.

Officers of
dairy bureau.

The state dairy bureau shall have power to employ an agent or secretary at a salary of two thousand four hundred dollars a year, and such inspectors, assistants and chemists as from time to time it may deem necessary for the proper enforcement of the provisions of this act, and to fix the compensation of such inspectors at not to exceed five dollars per day, exclusive of their necessary and actual expenses, such expenses to be itemized and rendered under oath, or one hundred and twenty-five dollars per month exclusive of their necessary and actual expenses. Such agents shall have had experience in the manufacture of dairy products and the handling of dairy cattle.

Inspection
of dairies,
etc.

The state dairy bureau, through its agent and secretary, and assistant agents, shall inspect the dairies, dairy cattle, creameries and other factories of dairy products, markets and other places where dairy products are prepared or handled, and keep a careful record of such inspection and report the same to the state dairy bureau and upon evidence obtained that any of the provisions of this act are being violated, the state dairy bureau, through its agent and secretary, or its inspectors, shall duly enter complaint against the party or parties, responsible for such violations and cause the same to be prosecuted, except in cases where any dairy, creamery or other factory of milk products, or store or depot where milk and its products are handled and sold, is found to be in an unsanitary condition, in which case the agent and secretary, or the inspector, for the district in which the violation occurred, shall serve upon the owner, or owners, or person in charge of the dairy, creamery or other factory of milk products so found to be in an unsanitary condition, a written notice specifying in detail the changes required to be made to place such dairy, creamery, or other factory of milk products or store or depot in a sanitary condition as defined in this act. Should such changes not have been made at the expiration of thirty days after the date when the notice was served, the state dairy bureau, through its agent and secretary, or its inspectors, shall enter complaint against the person or persons responsible for such unsanitary conditions and cause them to be prosecuted for violating this act.

District
attorney to
prosecute for
violation.

SEC. 44. It shall be the duty of the district attorney of each and every county of this state, upon application of the state dairy bureau,* or its agent and secretary, or any of its inspectors or assistant agents, to attend to the prosecution, in the name of the people, of any action brought for the violation of any of the provisions of this act within his county.

Act of 1897
continued.

SEC. 45. The provisions of section fifteen of the act approved March 4, 1897, entitled "An act to prevent deception in the manufacture and sale of butter and cheese, to secure its

*See note, page 32 hereof.

enforcement, and to appropriate money therefor," are hereby expressly continued in force; and the present state dairy bureau* shall continue in existence in all respects as now constituted under existing laws; and the members thereof shall continue to be chosen and appointed in all respects as now provided under existing laws; the intention being that the existing laws, under which said bureau is constituted and now exists and by which its powers are conferred and its duties are prescribed, shall in no way be impaired or affected by this act.

SEC. 46. Section seventeen of an act entitled "An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, is hereby repealed. Repeal.

SEC. 47. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CONDENSED AND EVAPORATED MILK.

An act to establish a standard for evaporated milk and condensed milk.

(Approved April 24, 1911; Stats. 1911, p. 1101.)

SECTION 1. The standard of purity of condensed milk and evaporated milk shall be that proclaimed and established by the secretary of the United States Department of Agriculture. Standard of purity.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

(See subdivision (3) of section 29 of the act approved April 21, 1911, page 43 hereof.)

IMITATION MILK.

An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the state dairy bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith.

(Approved April 16, 1919; Stats. 1919, p. 89.)

SECTION 1. For the purposes of this act certain manufactured substances, certain mixtures and compounds shall be known and designated as "imitation milk," namely: (a) any mixture or compound composed of skim milk or condensed, evaporated or powdered skim milk and any edible oil or fat other than natural milk fat, whether with or without any other ingredient or ingredients; (b) any mixture or compound

Imitation
milk
defined.

*See note, page 32 hereof.

made in imitation or semblance, or having the appearance or semblance, of milk or condensed or evaporated milk, or when so made or having such appearance or semblance calculated or intended, whether by intent of the compounder or other person, or by reason of the appearance or other characteristic of the mixture or compound, for use or disposition as or for milk, or as or for condensed or evaporated milk, or to induce its purchase, or use as or for milk or condensed or evaporated milk.

Manufacture
and sale of
imitation
milk.

SEC. 2. No person by himself, his agents or servants shall render, manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or to use, or to serve to patrons, customers, boarders or inmates of any hotel, dwelling-house, restaurant, public conveyance or boarding house, any article, product or compound made wholly or in part, out of any imitation milk; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under regulations hereinafter provided, of imitation milk, of substances or compounds that may be used as imitation milk, of a separate and distinct character not resembling milk or condensed or evaporated milk, and in such a manner as will advise the purchaser and consumer of its real character, colored or containing ingredients that cause it to look unlike pure whole cow's milk or the condensed or evaporated product made therefrom; *and provided, further*, it is not adulterated within the meaning of this act; *and provided, further*, that nothing in this act shall be construed to prevent or prohibit the manufacture, sale, or use, for cooking purposes, of imitation milk as defined by section one of this act.

Imitation
milk to be
labeled.

SEC. 3. Each person, who by himself, or another, lawfully manufactures any imitation milk, or any substitute that may be used as and substituted for milk or condensed or evaporated milk, shall mark the same by printing, stamping or stenciling upon the top, if the top be of sufficient size and upon the sides of each case, box, carton, or other package, in which that article or substance shall be kept, and in which it shall be removed from the place where it is produced or put up in a clear manner, in the English language, the words, "imitation milk," in printed letters in plain roman type, each of which shall not be less than one inch in height and one-half inch in width, and in addition to the above shall prepare a statement, printed in plain roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the name and actual percentages of the various ingredients used in the manufacture of such imitation milk; and shall place a copy of said statement within and upon the contents of each case, box, carton, or other package, and next to that portion of each case, box, carton, or other package as is commonly and most conveniently opened, and in addition

thereto shall label each bottle, can, container, or other package containing imitation milk with the words "imitation milk" printed in black-face plain roman capital letters of a size not less than twelve point, and said words shall appear upon the main or principal label of said bottles, cans, containers, or other packages containing any imitation milk, and in addition thereto said main or principal label shall contain or bear the words: "not suitable for infant food," in plain legible type.

SEC. 4. Imitation milk, not condensed or evaporated, shall be deemed adulterated within the meaning of this act if it contains less than three per cent of edible fats, or oils, and imitation milk, if evaporated or condensed, shall be deemed adulterated within the meaning of this act if it contains less than seven and eight-tenths per cent of edible fats or oils. Adulteration.

SEC. 5. No keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or any place of public entertainment, and no person having charge thereof, or employee thereat, and no employer when such board is furnished as compensation, or part of the compensation of any employee, shall place before any patron or employee for use as food, any imitation milk, unless there shall be displayed in a prominent place in said bakery, hotel, boarding house, restaurant, saloon, lunch counter, or other place of public entertainment in each room where meals are served, a sign bearing the words: "Imitation milk used and served here," in black-faced letters and not less than four inches in length upon a white ground. Display of sign by restaurants, etc.

SEC. 6. No person, firm or corporation shall engage in the business or occupation of manufacturing, selling, dealing, or in furnishing imitation milk, without first having applied for and obtained a license so to do as hereinafter provided. Any person, firm or corporation dealing in or engaged in the business or occupation of manufacturing, selling, dealing in or furnishing, to his, its or their patrons, imitation milk, as in this act defined shall first make application each year to the state dairy bureau* for a license, and upon payment of license fee of the amount mentioned herein to the state dairy bureau, said bureau shall issue to the applicant a license. All such licenses shall contain the following proviso; *provided*, that this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any imitation milk and similar substances that may be used as a substitute for milk or condensed or evaporated milk which resembles in appearance pure whole cow's milk, or the condensed or evaporated product made therefrom. All such licenses shall expire on June thirtieth of each year, and may be issued in periods of one year or less than one year, on payment of a proportionate part of the license fee, provided that no license shall be issued for a period of less than three months. The fee for issuing said License for manufacture and sale of imitation milk.

*See note, page 32 hereof.

license to said manufacturers, of any of the said substances within this state shall be one hundred dollars; for issuing to wholesale dealers in, or importers or agents for importers, of any of said substances the fee shall be fifty dollars; for issuing to retail dealers in any of said substances the fee shall be five dollars; and for issuing to the keeper of any hotel, restaurant, boarding house, and any other place where meals are served and payment is received therefor, either immediately or by the day, week or month, the fee shall be two dollars. The term "wholesale dealer" as used in this section includes all persons, firms or corporations who sell any of said substances in quantities of one full case or more at a time or in the same transaction. The term "retail dealer" includes all persons who sell only in quantities of less than one case. All licenses while in force shall be kept conspicuously displayed in the places of business of the party or parties to whom they have been issued.

It shall be unlawful for any person, firm or corporation to manufacture, buy, sell, deal in or furnish to his, its or their patrons, or to have in their possession, for any purpose whatsoever other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in case of a warehouse or cold storage company, any imitation milk or similar substance designed to be used as a substitute for milk or for condensed or evaporated milk without having first applied for and obtained from the state dairy bureau of the State of California a license herein required.

Penalty.

SEC. 7. Any person, firm or corporation found guilty of violating any of the provisions of this act shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Enforcement
by dairy
bureau.

SEC. 8. It shall be the duty of the state dairy bureau,* now existing under the laws of this state, to enforce the provisions of this act; *provided*, that nothing in this act shall be construed to prevent any city or county or state board of health or other city or county official from enforcing the provisions of this act.

Repeal.

SEC. 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

*See note, page 32 hereof.

SALE OF IMPORTED BUTTER.

An act to regulate the sale of butter that has been shipped or imported into the State of California from any point or place outside of the United States, requiring the marking thereof by all persons selling or offering same for sale, and fixing penalties for the violation of the same or of any of the provisions thereof.

(Approved May 19, 1915; Stats. 1915, p. 689.)

SECTION 1. For the purposes of this act the words "person, firm, company, or corporation," shall include wholesalers, retailers, jobbers, and every place where butter that has been shipped or imported into the State of California from any point or place outside of the United States is sold or offered for sale.

Definition of
"person,
etc."

SEC. 2. Every person, firm, company, or corporation who sells, offers for sale, or has in his, or their possession for sale, or consigns, ships or presents to any dealer, commission merchant, consumer, or other person any butter that has been shipped or imported into the State of California from any point or place outside of the United States shall, before doing so, cause to be stamped, marked or printed upon the wrapper, or other container thereof in black-face letters not less than one-eighth of an inch in height the word "imported."

Imported
butter to be
marked.

SEC. 3. Every person, firm, company, or corporation selling or offering for sale any butter that has been shipped or imported into the State of California from any point or place outside of the United States, shall display in a conspicuous place in his or their public salesroom a sign, which shall be not less than one foot in height and two feet in length, bearing the words "imported butter sold here" in black-face letters not less than three inches in height and one-half inch in width upon a white ground.

Dealer's
sign
indicating
importation.

SEC. 4. Every person, firm, company or corporation who shall fail to comply with any of the provisions of this act, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not more than six months; or by a fine of not more than two hundred and fifty dollars, or by both such fine and imprisonment in the discretion of the court.

Penalty.

PURE MILK LAW.

An act to prevent the sale of impure and unwholesome milk, butter, ice cream and other milk products; to declare ice cream a milk product; to grade milk; to provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to repeal an act entitled "An act to prevent the sale of impure and unwholesome milk, to grade milk, to provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to make an appropriation therefor," approved June 15, 1915.

(Approved May 22, 1917; amendments approved May 6, 1919; Stats, 1917, p. 803; 1919, p. 326.)

Milk must
be
pasteurized.

Cream for
butter.

Butter used
in manu-
facture of
of foodstuffs.

SECTION 1. It shall be unlawful for any person, firm or corporation, except in bulk to the wholesale trade, to sell or exchange or offer or expose for sale or exchange for human consumption any milk from cows that have not passed the tuberculin test, until it has been pasteurized by the holding process at a temperature not less than one hundred forty degrees Fahrenheit for twenty-five minutes; *provided*, that milk for drinking purposes shall not be heated for more than one hour nor above one hundred forty-five degrees Fahrenheit; *provided, further*, that cream that is to be manufactured into butter may be pasteurized by heating it to a higher degree than milk and, when the same is uniformly heated to and held at a higher degree of temperature than one hundred fifty-one degrees Fahrenheit, the time for holding may be decreased from twenty-five minutes by one minute for each degree of temperature over one hundred fifty-one degrees Fahrenheit. It shall further be unlawful for any person, firm or corporation to sell or exchange or offer or expose for sale or exchange for human consumption any butter, ice cream or other milk products except cheese and butter as hereinafter provided, into the composition of which any milk enters other than that permitted in this section of this act, to be sold at retail for human consumption; *provided*, that nothing in this act shall be construed to prohibit the use or sale of butter that is not pasteurized or butter that is not the product of nonreacting tuberculin-tested cows; *provided*, that said butter be used by manufacturers of foodstuffs only and in the manufacture of such foodstuffs said butter shall be subjected to a minimum temperature of two hundred twenty-five degrees Fahrenheit; *and provided further*, that it shall be unlawful to use any such butter except in the manufacture of food subjected to said

temperature. Butter offered for sale for human consumption shall be marked: "From nonreacting tuberculin-tested cows," or "pasteurized," as the case may be. Butter, which, by the provisions of this act, is permitted to be used for cooking and baking purposes only shall be marked "For cooking and baking only." Ice cream is hereby declared to be a milk product. For the purpose of this act milk shall be construed to include cream.

Marking of butter.

Ice cream a milk product.

SEC. 2. It shall be unlawful for any person, firm or corporation to sell or exchange, or offer or expose for sale or exchange, in any city, county, or city and county, in which a milk inspection service, approved by the state dairy bureau,* has been established, any milk otherwise than as hereinafter provided in this act, and for the purpose of this act, the term "inspecting department" shall be construed to mean the health department of a county or group of counties, city or group of cities, or city and county maintaining a milk inspection service approved by the state dairy bureau, and such inspecting department shall include at least one regularly licensed physician. It shall be unlawful for any person, firm or corporation to sell or exchange, or offer or expose for sale or exchange any milk as and for, or under the designation, label or other representation of "guaranteed," "grade A," or "grade B" milk, except within a county or group of counties, city or group of cities, or city and county maintaining a milk inspection service approved by the state dairy bureau; *provided*, that a person, firm or corporation, which is authorized to sell milk within the jurisdiction of an inspecting department may sell milk from the same supply, of the same quality, in similar containers, and under the same label in territory outside the jurisdiction of any inspecting department, if local ordinances are not thereby violated, and also in territory within the jurisdiction of any other inspecting department; *provided*, the consent of said other inspecting department has been previously obtained.

Sale of milk where milk inspection service established.

SEC. 3. All milk sold or exchanged or offered or exposed for sale or exchange except in bulk to the wholesale trade in any county or group of counties, city or group of cities, or city and county, in which a milk inspection service, approved by the state dairy bureau* has been established, except certified milk, guaranteed milk, grade A milk and grade B milk, is hereby declared to be impure and unwholesome and must not be sold for human consumption.

Milk not to be sold for human consumption.

SEC. 4. Where an inspection service is maintained as provided in section two of this act, milk shall be graded as follows: certified milk, guaranteed milk, grade A milk, grade B milk and milk not suitable for human consumption; *provided*, that milk sold or exchanged or offered or exposed for sale or exchange as and for, or under the designation, label or other representation of "guaranteed," "grade A" or "grade B,"

Grades of milk.

*See note, page 32 hereof.

milk shall have the grade and whether raw or pasteurized marked on the container or cap of a container in capital letters not less than one-eighth inch long and one-sixteenth inch wide; *and provided, further*, that milk not suitable for human consumption shall be plainly so marked.

Approval of
inspecting
department.

SEC. 5. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange, as or for guaranteed milk, any milk, raw or pasteurized the quality of which is guaranteed by the dealer, without approval in writing of the inspecting department, which milk must be of a higher standard than that required for grade A raw milk.

SEC. 6. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange, as and for grade A milk, any milk that does not conform to the rules and regulations and the methods and standards for production and distribution of grade A milk adopted by the inspecting department.

Require-
ments
for grade A
milk.

Grade A milk shall conform to the following requirements as a minimum: if raw, it shall consist of the clean raw milk from healthy cows as determined by physical examination at least once in six months by a qualified veterinarian under the supervision of the inspecting department, and by the tuberculin test by a qualified veterinarian under the supervision of the state veterinarian, and from dairies that score not less than seventy per cent on the score card hereinafter set forth; *provided, however*, that dairies having not more than two milking cows, and, which are found by any such inspecting department to comply fully with the remaining provisions of this act are hereby exempted from such scoring requirements and from the use of the labels prescribed in section four hereof. The tuberculin test must be repeated annually if no reacting animals are found in the herd. If reacting animals are found they must be removed from the herd, and the tuberculin test repeated in six months. All cows are to be fed, watered, housed and milked under conditions approved by the inspecting department. All persons who come in contact with the milk must exercise scrupulous cleanliness and must not harbor the germs of typhoid fever, tuberculosis, diphtheria or other infectious diseases liable to be conveyed by milk. Absence of such infections shall be determined by cultures and physical examination, to the satisfaction of the inspecting department.

Dairies
having not
more than
two cows.

Sterile
containers.

This milk is to be delivered in sterile containers and is to be kept at a temperature established by the inspecting department until it reaches the ultimate consumer, when it must contain less than one hundred thousand bacteria per cubic centimeter. If pasteurized it shall come from cows free from disease as determined by physical examination at least once in six months, by a qualified veterinarian under the supervision of the inspecting department. It shall contain less than two hundred thousand bacteria per cubic centimeter before pasteurization and less than fifteen thousand bacteria per cubic

centimeter at the time of delivery to the ultimate consumer. ~~Dairies from which this milk is derived must score at least sixty on the score card hereinafter set forth.~~

SEC. 7. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange, as and for grade B milk, any milk that does not conform to the following requirements as a minimum: it must be obtained from cows in no way unfit for the production of milk for use by man, as determined by physical examination at least once in six months by a qualified veterinarian under the supervision of the inspecting department. Before pasteurization such milk shall contain less than one million bacteria per cubic centimeter. After pasteurization it shall contain less than fifty thousand bacteria per cubic centimeter.

Requirements
for grade B
milk.

Milk for pasteurization must be kept at a temperature established by the inspecting department up to the time of delivery to the pasteurization plant and rapidly cooled after pasteurization to a temperature of fifty degrees Fahrenheit or below and so maintained to the time of delivery of the same. Pasteurization shall be by the holding method at a temperature not less than one hundred forty degrees Fahrenheit; *provided*, that milk for drinking purposes shall not be heated above one hundred forty-five degrees Fahrenheit.

Pasteuriza-
tion.

Such pasteurization plant shall be equipped with a self-registering device for record of the time and temperature of pasteurization. Such records shall be kept for two months and be available for inspection by any health department, the state veterinarian or any of his agents, or the state dairy bureau. Pasteurized milk shall be marked with the day of the week of pasteurization and must be delivered to the consumer within forty-eight hours thereafter. If milk is repasteurized, it must not be sold except as not suitable for human consumption; *provided, however*, if graded, cream of any grade shall conform to all the standards set for milk of the same grade, except that the maximum bacterial count for cream shall be not more than three times as great as that of the corresponding grade of milk. (As amended, Stats. 1919, p. 326.)

Records.

SEC. 8. Milk not suitable for human consumption may be sold for industrial purposes, provided it be heated to a higher temperature than necessary for pasteurization, and delivered in a distinctive container, plainly marked with the words "Not suitable for human consumption," in letters not less than one-quarter inch in length and one-twelfth inch stroke.

Milk not
suitable for
human
consumption.

SEC. 9. Counties, or groups of counties, cities or groups of cities, or cities and counties, are hereby authorized to maintain a milk inspection service and laboratory conformable to requirements as set forth by the state dairy bureau* and to establish pasteurizing plants.

Inspection
service.

SEC. 10. Any person who shall violate any provision of this act or the rules made in accordance with section eleven of this act shall be guilty of a misdemeanor and upon conviction

Penalty.

*See note, page 32 hereof.

shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment. One-half of all such fines shall be paid into the state treasury and placed to the credit of the general fund.

Enforcement
of act.

SEC. 11. It shall be the duty of the state dairy bureau,* with the assistance of the pure food and drugs laboratory, to enforce all the provisions of this act except the tuberculin testing of cows and the marking of reactors; and said bureau, with the approval and assistance of the pure food and drugs laboratory, is hereby empowered to make such rules and regulations as may be necessary and advisable for such enforcement.

Enforcement
of tuberculin
tests.

SEC. 12. It shall be the duty of the state veterinarian,† as soon as practicable, either directly or through local inspecting departments, to enforce the provisions of this act as to the tuberculin testing of cows and the exclusion of reacting animals from the herds, and to mark indelibly by tattooing the ear with the capital letter "T" one inch long any cattle which have been tested with tuberculin under the provisions of this act and found to react to the test. For such purpose he may appoint such veterinarians as may be necessary.

Dairyman not
operating
under
inspecting
department.

SEC. 13. If any dairyman not operating under an inspecting department desires to sell milk, he may file with the state veterinarian‡ a written request that his cows be tuberculin tested. After the filing of such request, said dairyman shall not be liable under the provisions of this act until such time as the state veterinarian shall be able to make the required test. The provision of this section shall apply also to any dairyman, operating under an inspecting department, if such inspecting department approves.

Dairy farm
score card.

SEC. 14. The following score card shall be used in scoring dairies under the provisions of this act:

*See note, page 32 hereof.

†See note, page 11 hereof.

DAIRY FARM SCORE CARD OF THE UNITED STATES BUREAU OF ANIMAL INDUSTRY.

[As approved by the bureau for use under California conditions.]

DAIRY FARM SCORE CARD.

[illegible]

Equipment+Methods=Final Score.

NOTE 1.—If any exceptionally filthy condition is found, particularly dirty utensils, the total score may be further limited.

NOTE 2.—If the water is exposed to dangerous contamination, or there is evidence of the presence of a dangerous disease in animals or attendants, the score shall be 0.

Stats. 1915,
p. 1478,
repealed.

SEC. 15. The purpose of this act is to amend and supersede an act entitled "An act to prevent the sale of impure and unwholesome milk, to grade milk, to provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to make an appropriation therefor," which is hereby repealed.

CERTIFIED MILK.

*An act to regulate the production of certified milk, cream, ice cream, butter and cheese; and repealing an act entitled "An act to regulate the production of certified milk," approved March 18, 1909, and all acts and parts of acts inconsistent with this act.**

(Approved April 25, 1913; Stats. 1913, p. 83.)

Marking and
sale of certi-
fied milk.

SECTION 1. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange, as and for certified milk, any milk which does not conform to the rules and regulations and to the methods and standards for the production and distribution of "certified milk" adopted by the American association of medical milk commissions on May 1, 1912, and which does not bear the certification of a milk commission appointed by a county medical society organized under and chartered by the medical society of the State of California, and which has not been pronounced by such authority to be free from antiseptics, added preservatives, and pathogenic bacteria, or bacteria in excessive numbers. All milk sold as certified milk shall be conspicuously marked with the name of the commission certifying it. Such milk commission shall make all requirements for the production and handling of certified milk uniform and fair, and shall not refuse to certify milk for any applicant for certification who shall comply with the provisions of this act.

Certified milk
products.

SEC. 2. No person, firm or corporation shall sell or exchange or offer or expose for sale or exchange, any cream, skimmed milk, buttermilk, ice cream, butter or cheese as and for certified cream, certified skimmed milk, certified buttermilk, certified ice cream, certified butter or certified cheese as the case may be, or use the word "certified" in connection with the sale, designation, advertising, labeling or billing of any cream, skimmed milk, buttermilk, ice cream, butter or cheese unless the same and all products of milk contained therein or used in the manufacture thereof are obtained exclusively from milk which conforms to the requirements of

*The power of enforcing this act was given to the department of agriculture by section 9 of the act of 1919, creating a department of agriculture. See page 10 hereof.

this act for certified milk and which bears the certification of a milk commission in accordance with the provisions of section one of this act, and unless in addition thereto the methods and conditions under which such cream, skimmed milk, butter-milk, ice cream, butter and cheese, as the case may be, have been prepared or manufactured, as regards cleanliness and sanitation, shall conform to the requirements of the milk commission whose certification is sought. All cream, skimmed milk, buttermilk, ice cream, butter and cheese sold, designated, advertised or offered for sale, as certified cream, certified skimmed milk, certified buttermilk, certified ice cream, certified butter or certified cheese shall be conspicuously marked with the name of the commission certifying it and certifying the milk from which such cream, ice cream, butter and cheese is obtained.

SEC. 3. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than two hundred (\$200) dollars, or by imprisonment in the county jail for not less than ten (10) nor more than sixty (60) days. Penalty.

SEC. 4. An act entitled "An act to regulate the production of certified milk," approved March 18, 1909, and all acts and parts of acts inconsistent with this act, are hereby repealed. Stats. 1909, p. 402, repealed.

NOTE.—The act approved April 25, 1913, probably supersedes the act approved March 17, 1911 (Stats. 1911, p. 382), relating to certified butter.

JUDICIAL DECISIONS CONSTRUING DAIRY STATUTES.

For California decisions and decisions of the courts of other states construing dairy laws, see "California State Dairy Laws," issued by the Department of Agriculture, Division of Animal Industry.

INSPECTION OF MEAT AND MEAT FOOD PRODUCTS.

An act providing for the inspection of animals slaughtered for human food, providing for the inspection of the meat and meat food products of such animals, providing for the collection of fees to defray the expenses incurred by maintaining such inspection, providing for the appointment and duties of officials to carry into effect the provisions of this act, providing for the marking of carcasses and parts thereof, and providing a penalty for violation thereof.

(Approved May 11, 1917; Stats. 1917, p. 423.)

SECTION 1. Any person, firm or corporation in the State of California, engaged in the slaughtering of cattle, sheep, swine, or goats, desiring to have the healthfulness of the meat and meat food products of such animals certified to, may make Inspection of slaughtering establishments by state veterinarian.

application for the inauguration of an inspection service in such establishment. Said application shall be in writing addressed to the state veterinarian* of California, and shall be made on blanks which will be furnished by said state veterinarian. In such application such applicant for inspection shall agree to comply with the provisions of this act and to maintain said establishment in a clean and sanitary manner. Upon receipt of said application the state veterinarian shall make an inspection of said establishment and if found clean and sanitary, and properly equipped to conduct its business in a clean and sanitary manner, he shall inaugurate an inspection service therein, and shall give to such establishment an official number, and this number shall be used to mark the meat and meat food products of the establishment as hereinafter provided. Such an establishment shall thereafter be known as "Official Establishment No. -----."

Fees.

SEC. 2. The cost of such inspection service shall be borne by the establishment where it is maintained and shall be paid for in the following manner: When, in the opinion of the state veterinarian,* the volume of business is sufficient to occupy the continuous services of one inspector, such establishment shall pay a fee of one hundred and fifty dollars per month. When, in the opinion of the state veterinarian, the services of more than one inspector are required to properly carry on the work, the fee in such cases shall be one hundred and fifty dollars per month for the first inspector, and one hundred and twenty-five dollars per month for each additional inspector. When, in the opinion of the state veterinarian, the inspection work in two or more neighboring establishments can be properly supervised by one inspector, said state veterinarian may, in such cases, prorate the fees among such establishments, but in no instance where only one inspector is employed to supervise the work in more than one establishment shall the aggregate fees be less than one hundred and fifty dollars per month, and in no such instance shall the individual fees be less than fifty dollars per month. All such fees shall be paid during the first week of January, April, July and October of each year and they shall be paid in advance for the ensuing three months. Such fees shall be paid to the state veterinarian, who shall at least as often as once each month and oftener if required to do so, report to the state controller the total amount of fees collected, and at the same time he shall pay into the state treasury the entire amount of said receipts. All such receipts shall be credited to the meat hygiene fund, which fund is hereby created, out of which shall be paid the salaries of inspectors who are appointed in accordance with the provisions of this act, as well as other expenses that may be incurred incidental thereto. In no instance, however, shall any of the fees collected as provided herein be refunded. The

*See note, page 11 hereof.

state veterinarian is hereby authorized to appoint such inspectors as may be necessary to carry out the provisions of this act.

SEC. 3. All slaughtering in each official establishment shall be conducted between the hours of seven o'clock a.m. and seven o'clock p.m. of any one week day, unless a special permit in writing or by telegram, authorizing slaughtering at any other time, is granted by the state veterinarian.* The manager or other person in charge of such establishment shall inform the inspector when work has been concluded for the day, and of the day and hour when work will be resumed. Where one inspector is detailed to conduct the work at two or more establishments where few animals are slaughtered, the inspector may designate the hours for work. Hours for slaughtering.

SEC. 4. In each official establishment an ante mortem examination shall be made of all cattle, sheep, swine and goats about to be slaughtered, and satisfactory facilities shall be provided for conducting such examinations, and for separating and holding apart from passed animals those that are unfit for immediate slaughter. Ante mortem examination.

SEC. 5. In each official establishment a careful inspection shall be made of all animals at the time of slaughter. The head and tongue, tail, thymus gland, and all viscera, and all parts and blood used in the preparation of meat food and medicinal products shall be retained in such a manner as to preserve their identity until after the post-mortem examination has been completed. Carcasses and parts thereof found to be sound, healthful, wholesome and fit for human food shall be passed and marked in the following manner: Upon all passed carcasses and parts thereof slaughtered in an official establishment the inspector shall place a mark bearing the words "Cal. Inspected and Passed." This mark shall also contain the official number of the establishment. The number of such marks that shall be affixed and their location on the carcasses and parts thereof shall be determined by the state veterinarian. Each carcass or part thereof, which is found on post-mortem inspection to be unsound, unhealthful, unwholesome or otherwise unfit for human food shall be marked conspicuously by the inspector at the time of inspection with the words "Cal. Inspected and Condemned," and such carcass or part thereof shall, under the supervision of the inspector, be rendered unfit for human consumption in some manner approved by the state veterinarian. Parts to be inspected.

SEC. 6. The state veterinarian* shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this act, and all inspections and examinations made under this act shall be such and made in such manner as described in the rules and regulations prescribed by said state veterinarian not inconsistent with the provisions of this act; *provided, however*, that in making such rules and regulations said state veterinarian shall be guided Mark.

*See note, page 11 hereof.

by the regulations governing meat inspection of the United States department of agriculture.

Violation.

SEC. 7. It shall be unlawful for any person, firm or corporation except the inspector as herein provided, to have in possession, keep or use any mark, stamp or brand provided or used for marking, stamping or branding any article herein required to be marked, stamped or branded. It shall be unlawful for any person, firm or corporation to have in possession, keep, make or use any mark, stamp or brand having thereon a device or words similar in character or import to the marks, stamps or brands provided or used for marking, stamping or branding such articles, and any violation hereof shall be deemed a misdemeanor.

CATTLE PROTECTION AND BRAND LAW.

REGISTRATION OF CATTLE BRANDS AND LICENSING OF SLAUGHTERERS.

An act to create a cattle protection board, to define its powers and duties, to protect the breeders and growers of cattle from theft, to provide for the registration of cattle brands and the licensing of cattle slaughterers and sellers of the meat thereof, to provide for the inspection of cattle and cattle hides for brands and marks, to provide for the collection of license and inspection fees, to provide for the creation of a fund to be known as the cattle protection fund, and to provide penalties for violation of the provisions hereof.*

(Approved May 28, 1917; Stats. 1917, p. 1237.)

Cattle protection board created.

SECTION 1. That there be and is hereby created a cattle protection board,* to be appointed by the governor of the State of California, which shall consist of three members, two of whom shall be identified with and experienced in the cattle industry of the State of California and the other shall be the state veterinarian. Said board shall elect one of their number chairman. The members of said board shall each receive ten dollars per day for the time by him necessarily employed in discharging the duties required in this chapter; *provided, however,* that in no one year shall the board be in session more than sixty days, except upon the call of the governor.

Term.

Appointees.

The members of said board shall hold office during the pleasure of the governor. Said board is hereby authorized to appoint a secretary, counsel, inspectors, and such clerks as

*By section 8 of the act of 1919, creating a Department of Agriculture (see page 9 hereof), the duties and powers of the Cattle Protection Board were transferred to this department. Upon the organization of the department, these duties were assigned to the Division of Animal Industry. "Cattle Protection Board" should be read, therefore, "Department of Agriculture, Division of Animal Industry."

may be necessary to carry out the provisions of this act, and fix the salaries of said appointees. Such per diem and expenses of said members of the cattle protection board, as well as the salaries and expenses of all appointees of said board, including all other additional expenses incurred by enforcement of this act as hereinafter provided, shall be paid out of the cattle protection fund which fund is hereafter provided. Cattle protection fund.

Said board is hereby authorized, and it is made its duty, to exercise a general supervision over, and protect the cattle of this state from theft and to make such rules and regulations as may be necessary to carry out the purposes and intent of this act. Duty of board

SEC. 2. Every person owning cattle in this state except as hereinafter provided may adopt a brand with which to brand his cattle; *provided*, such brand be not similar to the brand heretofore adopted by any other person, except by special permit issued by the cattle protection board.* Said board shall cause said brands to be recorded in books kept for that purpose. The recording of a brand shall consist of depicting in the brand book a facsimile of the design of the brand adopted, together with an entry in said book bearing a statement of the name, residence, and post-office address of the person adopting the same, the date the brand was presented for record, the place upon the animal where the brand is proposed to be used, the number of the district and a statement of the location of the range whereon such animals are to range. Before any such record shall be made, proof shall be made that the person applying to have such brand recorded is the owner thereof and entitled to use the same. Cattle brands.
Record of brand.

The said board may divide the state into a number of districts. Such districts may be changed from time to time, so that all of the persons engaged in raising cattle within the State of California may adopt and record a brand, without requiring that any one brand shall be adopted or recorded in any two contiguous districts; *provided, however*, that where cattle in two or more contiguous districts are owned by one person, said person shall have the right to the use of said brand in contiguous districts. Districts.

SEC. 3. The sum of two dollars shall be paid to said board for the recordation of any brand; for the right to the continued use of said brand, under the provisions of this act, the owner thereof shall before the first day of January of each year after its recordation transmit to the board the sum of one and one-half dollars. A failure to make such payment shall forfeit the right to use said brand. Fees.
Forfeiture of brand.

When the right to any brand recorded hereunder shall have become forfeited, said brand shall not be recorded by any other person until after the expiration of one year from the date of the forfeiture thereof.

*See note, page 68 hereof.

Unrecorded
brand.

SEC. 4. No person shall brand any cattle in this state with a brand that has not been recorded under the provisions of this act, nor use any device to obliterate a brand.

Sale of
range cattle.

SEC. 5. Upon the sale or transfer of any range cattle in this state, the actual delivery of such animal shall be accompanied by a written bill of sale, giving the number, kind and marks and brands of each animal, which bill of sale shall be signed by the party giving the same and acknowledged by him before two subscribing witnesses who have been freeholders of the county for at least two years.

Not appli-
cable to
registered,
etc., cattle.

SEC. 6. It is hereby expressly provided that the provisions in this act shall not apply to registered purebred cattle or purebred cattle which can be identified as being entitled to registration, or to the dressed carcasses of veal with unmarked or unbranded hides thereon, or cows actually used for dairy purposes.

License to
slaughter
cattle.

SEC. 7. It shall be unlawful for any person to slaughter any cattle or offer for sale, barter or exchange the meat thereof, unless he shall have a license therefor issued in accordance with the provisions of this act, except as herein otherwise provided.

Bond.

Every person slaughtering cattle as a business shall do so in a designated slaughterhouse, and before he shall begin the business of slaughtering cattle or selling the meat thereof, he shall first procure from the board* a license to carry on such business, under the conditions and upon the payment of the fees herein provided for. After procuring such license and before engaging in such business he shall execute a bond to the State of California, in the penal sum of one thousand dollars (\$1,000) to be approved by the secretary of the board, conditioned that such person shall not slaughter, sell or expose for sale any cattle or the meat thereof, without first being the legal and equitable owner thereof, or being authorized to so slaughter, sell or expose for sale such animal, or the meat thereof, by such owner, and that in case he shall violate any of the provisions hereof, he shall pay therefor double the value of such animal. The amount so recovered shall be paid as follows: One-half to the owner of such animal and the remaining one-half to the cattle protection fund.

Annual fee.

Said board shall grant to every applicant therefor, who complies with all the provisions of this act a license to slaughter cattle and sell the meat thereof for the unexpired portion of the calendar year in which said license is granted. Every applicant for such a license shall pay to said board the following annual fee which shall be paid in advance: For applicants who slaughter less than ten head per month, one dollar per annum. For applicants who slaughter more than ten head and less than fifty head per month, ten dollars per annum. For applicants who slaughter more than fifty head per month, twenty-five dollars per annum. For a shorter

*See note, page 68 hereof.

term than one year a proportionate part of said fee shall be paid. The applicant for such license shall state in his application where his slaughterhouse is located, and during the term of such license he shall not slaughter any cattle at any other place than that specified in his license. If the holder of a license desires to change the location of his slaughterhouse, he shall apply to said board to have such license transferred and the board may reissue such license without any additional fee.

Every holder of such a license shall, at the expiration of each calendar month, make a written report and send the same by registered mail to said board. Such report shall include the following: Monthly report to board.

(a) The number and sex of the cattle slaughtered in such establishment during the calendar month just past.

(b) The names and addresses of persons from whom said cattle were purchased or otherwise obtained.

(c) The brands and marks on said cattle.

(d) The dates on which said cattle were purchased or otherwise obtained and the dates on which said cattle were slaughtered.

Said statement shall be signed by such licensee or his duly authorized agent. Upon failure or neglect of said licensee or his duly authorized agent for a period of fifteen days to file such a statement in the manner as herein provided, the said board shall have the power and it shall be its duty to forfeit the license of such licensee; and thereafter it shall be unlawful for the owner of said slaughtering establishment, or for any other person to slaughter any cattle in said establishment until a new application is made by him to said board, accompanied by a fee of twenty-five dollars; *provided, however*, that said board shall have the power and it shall be its duty to refuse to renew the license of any slaughterer who has knowingly slaughtered cattle without the consent of the owner thereof. Forfeit of license on failure to make statement.

SEC. 8. Every peddler, butcher or retailer of meats, purchasing the meat of any bovine animal, must enter in a book to be kept for that purpose and exhibit the same on demand, the name of the person from whom said meat was purchased or otherwise obtained, the date of said purchase and the quantity so purchased. Record by butcher of meat purchased.

It shall be unlawful for any peddler or retailer of meat, or person in control of any butcher shop, to purchase the meat of any slaughtered bovine animal from any person not known to him to be licensed under the provisions of this act.

Any person who fails on demand to inform any officer of this state where and from whom he has obtained any meat of any bovine animal that he has in his possession, shall be deemed guilty of a misdemeanor.

Slaughter by
ranchman
for own
consumption.

Nothing in this act shall be so construed as to prohibit an owner of property, or a ranchman located on a definite property as a tenant, lessee or purchaser under contract, from slaughtering cattle in small numbers on said premises for his own consumption, and nothing herein shall be so construed as to prohibit such ranchman from selling or giving away a portion thereof; *provided*, that such person shall not be required to take out a license.

Hides
retained.

SEC. 9. The hides of all such cattle slaughtered by the owner thereof, or removed from any cattle which have died from any cause, shall be retained in the possession of the owner where the same may be inspected, with the brands attached thereto, and without any alteration or disfiguration thereof, for a period of at least fifteen days after the death of said cattle, or until said hides are inspected.

Record of
cattle
slaughtered
by
ranchman.

Every ranchman, who so slaughters cattle on such premises, shall keep a record in a book to be kept for that purpose of all the cattle so slaughtered by him, with a description thereof, including all the marks and brands of such slaughtered cattle, the date of slaughter, and shall at the end of each month, make a true and correct copy of such record and send the same by registered mail to the office of the cattle protection board,* and shall likewise exhibit the said record on demand of any officer of this state.

Cattle to be
inspected
before
slaughter.

SEC. 10. No cattle except cattle shipped for slaughter and which have been inspected as herein provided prior to shipment, shall be slaughtered until they shall have been first inspected and certified to as being the property of the person slaughtering same or causing same to be slaughtered or being duly authorized by the owner thereof to slaughter said cattle; *provided*, that any person licensed hereunder to slaughter cattle after twenty-four hours notice in writing, addressed to the local inspector demanding his presence at a specified time and place for the purpose of inspecting such cattle for slaughtering, may, without the certificate of inspection of said inspector slaughter said cattle, providing he makes a written statement designating the general description of the animal or animals slaughtered, such as the age, color, weight, etc., and specifying in detail the earmarks and brands of such animal or animals; *and provided, further*, that he retain the hides of such animal or animals for at least fifteen days thereafter as herein-before provided.

Certificate of
brand, etc.,
before
shipment.

SEC. 11. It shall be unlawful for any common carrier to receive any cattle, or the hides of any cattle, for transportation to points within or without this state until such carrier shall have been furnished with duplicate certificates signed by an inspector, showing, in the case of cattle, the brands and earmarks of such cattle, the number of cattle of each earmark and brand, the names of shipper and consignee and also the origin and destination of said cattle. In the case

*See note, page 68 hereof.

of cattle hides, the certificates shall state the number of hides, the names of shipper and consignee and also the origin and destination of said hides. One copy of said certificate shall be mailed forthwith by the agent or other person in control of the common carrier at the point at which said cattle are received for shipment, to the consignee.

SEC. 12. It shall be the duty of inspectors to inspect all cattle for marks and brands which are offered for transportation to any common carrier at the loading stations thereof. Inspection of cattle to be shipped.

If upon such inspection cattle shall be found not belonging to the shipper, all such cattle shall be taken by the inspector and dealt with in accordance with the rules of the board in such cases made.

Inspectors must inspect all cattle subject to inspection immediately, and when inspected, the one in charge thereof shall at once pay to the inspector therefor the sum of five cents per head, whereupon the inspector shall certify that said cattle have been inspected.

SEC. 13. It shall be the duty of the said board* to prepare volumes for the recordation of said marks and brands, and to keep a true record of all its official transactions. When cattle or the hides thereof have been shipped or slaughtered, each record thereof must be entered under the name of the owner of said mark or brand, and must be entered in such a manner as to disclose under the record of each particular mark or brand, the number of cattle bearing any other marks or brands. An index shall be kept of unrecorded brands, as well as of those that have been recorded under the provisions hereof. Volumes for recordation of marks and brands.

SEC. 14. Any person, not being the owner, or having the right of possession, of any cattle, who shall be found driving such cattle off its usual range, without the consent of the owner thereof, shall be guilty of grand larceny. Driving cattle off range.

SEC. 15. The secretary of the cattle protection board*, at least as often as once each month, shall report to the state controller the total amount of fees collected, and at the same time he shall pay into the state treasury the entire amount of such receipts. All such receipts shall be credited to the cattle protection fund, which fund is hereby created, and shall be held subject to the uses of the cattle protection board, as defined in this act. Report of fees by secretary.

SEC. 16. The term "range" for the purpose of the interpretation and application of this act shall be understood to mean the enclosed or unenclosed lands outside of cities, towns and villages in this state, whether of the public domain or in private ownership, upon which by custom, license or otherwise, cattle are kept or permitted to roam and feed. "Range."

The term "person" wherever used includes every person, persons, firm, association or corporation. "Person."

The term "cattle" wherever used includes every kind of animal of the bovine species. "Cattle."

*See note, page 68 hereof.

- Penalty.** SEC. 17. Any person violating any provisions of this act shall, unless otherwise specifically designated herein, be guilty of a misdemeanor.
- Repeal.** SEC. 18. All acts and parts of acts in conflict herewith are hereby repealed.

ANIMALS RUNNING AT LARGE.

Political Code.

- Owners of animals running at large to have brand.** §3167. Owners of horses, mules, cattle, sheep, goats, or hogs running at large must have a mark, brand, and counterbrand different from any one in use by any other person, so far as may be known.
- Brand recorded with county recorder.** §3168. Every owner must record with the recorder of the county his mark, brand, and counterbrand by delivering to the recorder his mark, cut upon a piece of leather, and his brand and counterbrand burnt upon it, which shall be kept in the recorder's office. A certified copy thereof made by the recorder, with the seal of his office attached thereto, is evidence on the trial of any action in a court of competent jurisdiction as to the ownership of all animals legally marked or branded. The recorder must enter in a book to be kept by him for that purpose a copy of the marks, brands, and counterbrands; but he must first be satisfied that such brand and counterbrand tendered to him for record is unlike any other mark, brand, or counterbrand in the county, and, as far as his knowledge extends, is different from any other in the state. For recording the mark, brand, and counterbrand the recorder is entitled to demand and receive one dollar.
- Recorder's duties.** §3169. Every recorder in this state must transmit to the recorders of the adjoining counties a transcript of all the marks, brands, and counterbrands recorded in his office, to be filed by such recorders in their offices, and reference thereto must be made in every case of application for the record of marks and brands.
- Brands must be recorded.** §3170. No mark, brand, or counterbrand is lawful unless recorded as provided in this article, nor shall any person use more than one mark or brand, unless he is the owner of more than one ranch or farm.
- Marks not allowed.** §3171. No person must use a mark by cutting off the ear or by cutting the ear on both sides to a point.
- Branding animals at what age.** §3172. Every person must mark or brand his horses and mules before they are eight months old, and cattle before they are twelve months' old, on the hip or hinder part, and mark or brand his sheep, goats, and hogs, before they are six months old. On the trial of any action to recover the possession of any animal which is marked or branded, the mark or brand is prima facie evidence that the animal belongs to the owner of the mark or brand. When a dispute occurs in regard to a mark or brand, the person first recording the same is entitled thereto. (Amendment approved 1874; Code Amdts. 1873-74, p. 43.)

§3182. Persons selling cattle, horses, mules, jacks, or jennies, must counterbrand them on the shoulders, or give a written descriptive bill of sale. Regulations for selling animals.

§3183. Any person who uses any mark, brand, or counterbrand other than the one recorded by him, except by the consent of the owner of such other mark, brand, or counterbrand, or uses more than one mark, brand, or counterbrand otherwise than is provided in article one, or suffers his ward, child, apprentice, or servant to use any other than his own mark, brand, or counterbrand on those of the stock they run with, forfeits to any person suing therefor the stock so marked or branded with any other than the proper mark or brand recorded by him. This section does not extend to any stock which may descend to any ward, child, apprentice, or servant by the gift or devise of any person other than the guardian, parent, or master of such ward, child, apprentice, or servant; but the marks, brands, and counterbrands of such minors, apprentices, or servants must be recorded as other marks, brands, and counterbrands. Penalty for using unrecorded mark.

§3184. If any person has knowledge of any person, who, with the intent to defraud or willingly [willfully] mismarks or misbrands any stock not his own, or kills any stock running at large having a proper owner, the person having such knowledge must, within ten days thereafter, give information thereof to some justice of the peace of the proper county. Fraudulently mismarking cattle.

PERPETUATION OF MARKS AND BRANDS.

An act to perpetuate marks, brands and counterbrands established in the several counties of the state under sections three thousand one hundred sixty-eight and three thousand one hundred sixty-nine of the Political Code, to provide methods of perpetuation and declaring all marks, brands and counterbrands not so perpetuated to be inoperative and void.

(Approved April 16, 1917; Stats. 1917, p. 138.)

SECTION 1. The county recorder of each county in whose office there are recorded more than one hundred marks, brands and counterbrands under the provisions of section three thousand one hundred sixty-eight of the Political Code, shall, within thirty days after this law goes into effect, cause to be published in a newspaper of general circulation in such county, the following notice: Notice to perpetuate marks, brands, and counterbrands.

“Every person, who, under and by virtue of compliance with section three thousand one hundred sixty-eight of the Political Code, owns a mark, brand or counterbrand, must, within three months after final publication of this notice, notify the county recorder of his desire to continue and perpetuate such mark, brand and counterbrand. This notification must be

in words of positive and reasonable intendment and must be either by registered letter or by personal application addressed to said county recorder. Any person failing to so continue and perpetuate such mark, brand and counterbrand, shall lose all right, title and interest therein.

First publication: (naming date).

Last publication: (naming date).

County recorder of ----- county."

Publication. SEC. 2. The notice set forth in section one shall be published six times at intervals of four weeks, final publication to be not more than five months later than the original publication thereof.

Continuance of marks, etc. SEC. 3. Every person desiring to continue and perpetuate any mark, brand and counterbrand must comply with the provisions set forth in the notice under section one, and the county recorder shall, upon such compliance, write or stamp opposite the record of such mark, brand or counterbrand the word "perpetuated."

Marks, etc., deemed abandoned. SEC. 4. At the termination of three months after final publication of notice set forth in section one, the county recorders of the several counties shall transfer the records of all marks, brands and counterbrands perpetuated under section three to a new book set apart for the purpose described in section three thousand one hundred sixty-eight of the Political Code, and all marks, brands and counterbrands in the custody of the county recorders of the several counties not so continued and perpetuated shall be deemed to have been abandoned by the owner thereof and to be inoperative and void.

SEC. 5. Nothing in this act shall be construed as repealing sections three thousand one hundred sixty-eight and three thousand one hundred sixty-nine of the Political Code.

CHANGING OR DEFACING MARKS AND BRANDS.

Penal Code.

Horse, jack,
cow, etc.

§357. Every person who marks or brands, alters, or defaces the mark or brand of any horse, mare, colt, jack, jennet, mule, bull, ox, steer, cow, or calf belonging to another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, is punishable by imprisonment in the state's prison for not less than one nor more than five years. (As amended, Stats. 1901, p. 329.)

Sheep, goat,
hog.

§357½. Every person who marks or brands, alters or defaces the mark or brand of any sheep, goat, hog, shoat, or pig belonging to another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, is guilty of a misdemeanor. (Added, Stats. 1901, p. 327.)

PUBLIC SERVICE OF STALLIONS, JACKS, ETC.

REGISTRATION OF PEDIGREE.

An act to regulate the public service of stallions and jacks in the State of California.

(Approved May 1, 1911. Amendments approved June 12, 1915; Stats. 1911, p. 1306; 1915, p. 1495.)

SECTION 1. Every association, person, firm or corporation standing or offering any stallion or jack for public service in this state shall cause the name, description, and pedigree of such stallion or jack to be enrolled by a stallion registration board* hereinafter provided for, and secure a license from said board, as provided in section three of this act. All enrollment and verification of pedigree shall be done in the office of the secretary of the California state board of agriculture. (As amended, Stats. 1915, p. 1495.)

Registration of stallions, etc., required.

SEC. 2. In order to carry out the provisions of this act, there shall be constituted a stallion registration board,* whose duty it shall be to verify and register pedigrees; to pass upon certificates of veterinary examination; to provide, when necessary, for veterinary inspection; to issue stallion or jack license certificates and tags; to make all necessary rules and regulations; and to perform such other duties as may be necessary to carry out and enforce the provisions of this act. Said board shall hold meetings at the office of the secretary of the California state board of agriculture the first Tuesday and subsequent days of February, May, August and November of each year, and such other meetings as may be necessary. Said stallion registration board shall be composed of three members, consisting of the president and secretary of the California state board of agriculture and the state veterinarian. (As amended, Stats. 1915, p. 1495.)

Stallion registration board.

SEC. 3. In order to obtain the license certificate and tag herein provided for, the owner of each stallion or jack shall forward an affidavit on a form which shall be furnished by the stallion registration board* and this affidavit shall be made by a veterinarian, legally qualified to practice as such in this state, to the effect that he has personally examined such stallion or jack. If said stallion or jack is free from communicable diseases mentioned in section four of this act, a statement to this effect shall be made on said affidavit by the examining veterinarian. If said examining veterinarian after examination finds such stallion or jack affected with any communicable disease or with any of the diseases or unsoundnesses

Affidavit of examination of stallions.

*By section 8 of the act of 1919, creating a Department of Agriculture (see page 9 hereof), the duties and powers of the Stallion Registration Board were transferred to this department. Upon the organization of the department, these duties were assigned to the Division of Animal Industry. "Stallion Registration Board" should be read, therefore, "Department of Agriculture, Division of Animal Industry."

Pedigree.

mentioned in section four of this act, a statement shall be inscribed on such affidavit by said veterinarian specifying the disease or unsoundness so found. The owner of said stallion or jack shall also furnish to the stallion registration board the studbook certificate of registry of the pedigree of said stallion or jack when said stallion or jack is registered, and all other necessary papers relative to his breeding and ownership. Upon verification of pedigree and certificate of breeding (in case of purebred stallions or jacks), and receipt of veterinarian's affidavit as provided for in this act, a license certificate shall be issued to the owner; *provided, however*, that no license certificate shall be issued to the owner of any stallion or jack in case said animal is affected with any communicable disease; *and provided, further*, that when any stallion or jack is found affected with any of the diseases or unsoundnesses as mentioned in section four of this act, the license certificate so issued to the owner of said animal shall specify the disease or unsoundness with which said animal is affected. (As amended, Stats. 1915, p. 1495.)

License to specify diseases.

SEC. 4. Any stallion or jack found to be affected with any of the following diseases or unsoundnesses is hereby deemed unsound and likely to transmit such disease or unsoundness to its progeny, and the license certificate issued to the owner of such a stallion or jack shall specify the disease or unsoundness as provided for in section three of this act:

Periodic ophthalmia (moon blindness); cataract, laryngeal hemiplegia (roaring or whistling); pulmonary emphysema (heaves, broken wind); chorea (St. Vitus dance, crampiness, shivering, stringhalt); bone spavin, ringbone, sidebone, navicular disease, osteoporosis; curb, when accompanied with faulty confirmation of hock. (As amended, Stats. 1915, p. 1496.)

Records.

SEC. 5. The stallion registration board* shall make and keep records of all stallions and jacks enrolled in the State of California; said stallions or jacks to be enrolled as "purebred," "crossbred," "non-standard bred," "grade," or "mongrel," according as the facts may have been determined. Upon making the enrollment of said stallion or jack said stallion registration board shall issue the above said license. The stallion registration board is authorized in cases of emergency to grant temporary license certificates without veterinary examination, upon receipt of an affidavit of the owner to the effect that, to the best of his knowledge and belief, said stallion or jack is free from infectious, contagious, or transmissible disease or unsoundness. Temporary license certificate shall be valid only until veterinary examination can reasonably be made.

Temporary certificates.

License certificate to be posted.

SEC. 6. The owner of any stallion or jack used for public service in this state shall post and keep affixed, during the entire breeding season, a copy of the license certificate of such stallion or jack, issued under the provisions of this act, in a conspicuous

*See note, page 77 hereof.

place, both within and upon the outside of the main door leading to every stable or building where the said stallion or jack is used for public service, and at all times during the breeding season shall have attached to the harness or bridle of said stallion or jack a tag which shall be issued with the certificate. Each bill and poster and each newspaper advertisement shall show the enrollment certificate number, and state whether it reads "purebred," "grade," "crossbred," "non-standard," or "mongrel," and it shall be illegal to print or advertise any misleading reference to the breeding of said stallion or jack, his dam or sire. (As amended, Stats. 1915, p. 1496.)

SEC. 7. The license certificate issued for a stallion or jack whose sire and dam are of purebreeding, and the pedigree of which is registered in a studbook recognized by said stallion registration board,* shall be in the following form:

Form of
certificate:
pedigree
stock.

FORM OF CERTIFICATE.

(Section 7 of Registration Law.)

PUREBRED.

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of purebred stallion or jack, No.-----
The pedigree of the stallion or jack (name)-----
Owned by -----
Bred by -----

Described as follows:

Color ----- Breed -----
Foaled in the year-----, has been duly examined and it is hereby certified that the said stallion or jack is registered as number ----- in ----- studbook, said studbook being recognized by the stallion registration board of California, and is of pure breeding. The above named stallion or jack has been examined by -----, veterinarian, and is reported as ----- and is licensed to stand for public service in the State of California.

This license expires on -----, 19-----.

Signed -----,
Secretary California Stallion Registration Board.

Dated this -----, 19--, at Sacramento, Cal.

*See note, page 77 hereof.

GRADE.

Not
purebred.

The license certificate issued for a grade stallion or jack, whose sire or dam is not purebred, shall be in the following form:

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of grade stallion or jack, No.-----

The pedigree of the stallion or jack (name)-----

Owned by -----

Bred by -----

Described as follows:

Color ----- Foaled in the year -----, has been duly examined, and it is hereby certified that the said stallion or jack is not of pure breeding, and is, therefore, not eligible for registration in any studbook recognized by the stallion registration board of California. The above stallion has been examined by -----, veterinarian, and is reported as ----- and is licensed to stand for public service in the State of California.

This license expires on -----, 19--.

Signed -----,

Secretary California Stallion Registration Board.

Dated this -----, 19--, at Sacramento, Cal.

CROSSBRED.

Crossbred.

The license certificate issued for a stallion whose sire and dam are purebred, but not of the same breed, shall be in the following form:

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of crossbred stallion, No.-----

The pedigree of the stallion (name)-----

Owned by -----

Bred by -----

Described as follows:

Color ----- Foaled in the year -----, has been duly examined, and it is found that his sire is registered in the ----- studbook as number -----, volume -----, at page -----, and his dam in the ----- studbook as No. -----, volume -----, and page -----.

Such being the case, the said stallion is not eligible for registration in any studbook recognized by the stallion registration board of California. The above named stallion has been examined by -----, veterinarian, and is reported as ----- and is licensed to stand for public service in the State of California.

This license expires on -----, 19--.

Signed -----,

Secretary California Stallion Registration Board.

Dated this -----, 19--, at Sacramento, Cal.

*See note, page 77 hereof.

NON-STANDARD BRED.

The license certificate issued for a non-standard bred stallion, ^{Non-standard bred.} shall be in the following form:

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of non-standard bred stallion, No.-----

The pedigree of the stallion (name)-----

Owned by -----

Bred by -----

Described as follows:

Color ----- Foaled in the year -----,
has been duly examined, and it is hereby certified and found
that said stallion is not eligible to registration as standard bred,
and for the purpose of this license is not purebred, although
recorded in the non-standard department of the American
trotting register.

The above named stallion has been examined by -----
-----, veterinarian, and is reported as -----
----- and is licensed to stand for public service
in the State of California.

This license expires on -----, 19-----.

Signed -----,
Secretary California Stallion Registration Board.

Dated this -----, 19--, at Sacramento, Cal.

MONGREL.

The license certificate issued for a "mongrel" stallion or "Mongrel." jack shall be in the following form:

CALIFORNIA STALLION REGISTRATION BOARD.

Certificate of "mongrel" stallion or jack, No.-----

The pedigree as far as known or traced, of the stallion or
jack (name) -----

Owned by -----

Bred by -----

Described as follows:

Color ----- Foaled in the year -----,
has been duly examined, and it is hereby certified that the said
stallion or jack is of mongrel breeding, and is not eligible for
registration in any studbook recognized by the stallion regis-
tration board of California.

The above named stallion has been examined by -----
-----, veterinarian, and is reported as -----
----- and is licensed to stand for public service
in the State of California.

This license expires on -----, 19-----.

Signed -----,
Secretary California Stallion Registration Board.

Dated this -----, 19--, at Sacramento, Cal.

(As amended, Stats. 1915, p. 1497.)

Fees.

SEC. 8. A fee of two dollars and seventy-five cents shall be paid to the secretary of the California stallion registration board* for the examination and enrollment of each stallion or jack pedigree, and for issuance of a license certificate and tag, in accordance with the breeding of the stallion or jack as above provided, which shall be in force and effect for a period of one year from its date, and for the purpose of carrying out the provisions of this act. The fee shall be paid to the secretary of the California registration board at the time the application is made for enrollment. Upon a transfer of the ownership of any stallion or jack enrolled under the provisions of this act, the certificate of enrollment may be transferred to the transferee by the secretary of the California stallion registration board upon submittal of satisfactory proof of such transfer of ownership, and upon payment of a fee of one dollar and twenty-five cents. A fee of one dollar and twenty-five cents shall be paid annually for the renewal of a license certificate and tag. A fee of one dollar and twenty-five cents shall be paid for a duplicate license certificate and tag upon proof of the loss or destruction of the original certificate. (As amended, Stats. 1915, p. 1499.)

Investigations authorized.

SEC. 9. Whenever at any time the stallion registration board* has reason to believe, or complaint is made, that any stallion or jack has been provided with a license certificate under false or erroneous representation, said stallion registration board is hereby authorized and empowered to cause an investigation to be made, and if in the conduct of such investigation it is deemed necessary by said board to examine said stallion or jack, the owner of said animal shall have the right to select a veterinarian, legally qualified to practice as such in this state, to act with a veterinarian of said stallion registration board in examining said animal, and in case these two shall fail to agree on a verdict or decision they shall appoint a third qualified veterinarian, with the consent and approval of said board and owner, which third veterinarian shall act as a referee therein and the decision of said referee shall be final. If, as a result of such investigation or examination, or both, it shall have been found that such stallion or jack is not legally entitled to the license certificate as provided for in this act, then said stallion registration board shall revoke the license in force, or provide the owner of said animal with a proper form of license certificate; *provided*, that the owner of any stallion or jack used for public service in this state shall have a lien on all colts sired by said stallion or jack for the service fee for a period of one year from the date of the foaling of said colt, as now provided by law. (As amended, Stats. 1915, p. 1499.)

Penalty.

SEC. 10. Every association, person, firm or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars (\$100) for each offense; or by imprison-

*See note, page 77 hereof.

ment in the county jail not exceeding fifty days, or by both such fine and imprisonment.

SEC. 11. The funds accruing from the above named fees shall be used by the said stallion registration board* to defray the expenses of enrollment of pedigrees and issuance of licenses; to provide for the examination of stallions and jacks when necessary; to publish reports or bulletins containing lists of stallions and jacks examined, which shall be not less than one in each year; to encourage the horse breeding interests in this state; to disseminate information pertaining to horse breeding, and for any other purposes as may be necessary to carry out the purposes and enforce the provisions of this act. Each member of the above committee shall receive his actual expenses incurred while in the performance of any duty imposed under the provisions of this act; the secretary of said board shall receive for his services an amount to be fixed and agreed upon by said board. It shall be the duty of the said stallion registration board to enforce the provisions of this act, and to make an annual report, including financial statement, to the governor of the state on September 15th of each year.

Use of funds accruing from fees.

Enforcement.

SEC. 11½. The secretary of the stallion registration board,* at least as often as once each month, and oftener if required so to do, shall report to the state controller the total amount of fees collected, and at the same time he shall pay into the state treasury the entire amount of such receipts. All such receipts shall be credited to the stallion registration board contingent fund, which fund is hereby created, and shall be held subject to the uses of the board as defined in this act. (Added, Stats. 1915, p. 1500.)

Monthly report of fees collected.

SEC. 12. This act shall take effect and be in force August 1, 1911.

LIEN FOR SERVICE OF STALLION, ETC.

Civil Code.

§3062. Every owner or person having in charge any stallion, jack, or bull, used for propagating purposes, has a lien for the agreed price of its service upon any mare or cow and upon the offspring of such service, unless some willfully false representation concerning the breeding or pedigree of such stallion, jack or bull has been made or published by the owner or person in charge thereof, or by some other person, at the request or instigation of such owner or person in charge. (Added, Stats. 1905, p. 618.)

Lien of person in charge of stallion, etc.

§3063. Every claimant of a lien provided for in the preceding section must, within ninety days after the service on account of which the lien is claimed, file in the office of the county recorder of the county where the mare or cow subject thereto is kept, a verified claim containing a particular description of the mare or cow, the date and place of service, the name of the owner or reputed owner of such mare or cow, a description by

Filing of verified claim.

*See note, page 77 hereof.

name, or otherwise, of the stallion, jack, or bull performing the service, the name of the owner or person in charge thereof, and the amount of the lien claimed. Such claim, so filed, is notice to subsequent purchasers and incumbrancers of such mare or cow and of the offspring of such service for one year after such filing. (Added, Stats. 1905, p. 618.)

Action to
enforce lien.

§3064. An action to enforce any lien created under section thirty hundred and sixty-two may be brought in any county wherein any of the property subject thereto may be found, and the plaintiff is entitled to the remedies provided in sections thirty hundred and forty-four and thirty hundred and sixty-five upon complying with such sections, both of which are hereby made applicable to the proceedings in such action. (Added, Stats. 1905, p. 619.)

LICENSING ANIMALS USED FOR PROPAGATION.

Political Code.

Animals
kept for
propagation
to be
licensed.

§3385. Every person who keeps a stallion, jack, or bull, and who permits the same to be used for the purpose of propagation for hire, must annually obtain a license therefor from the tax collector, and pay therefor as follows:

1. Horses that are hired for the purpose of propagation, by the season, at one hundred dollars or more, constitute the first class, and require a license of seventy-five dollars.

2. At seventy-five dollars and less than one hundred dollars, constitute the second class, and require a license of sixty dollars.

3. At fifty dollars and less than seventy-five dollars, constitute the third class, and require a license of forty dollars.

4. At thirty dollars and less than fifty dollars, constitute the fourth class, and require a license of twenty-five dollars.

5. At fifteen dollars and less than thirty dollars, constitute the fifth class, and require a license of fifteen dollars.

6. All at less than fifteen dollars, constitute the sixth class, and require a license of ten dollars.

7. For each jack, ten dollars.

8. For each bull, ten dollars.

A license so obtained from the tax collector, under the provisions of this act, shall entitle the holder thereof [to] the right to go into any county of this state for the purposes of propagation, without further license or expense. (Amendment approved 1876; Code Amdts. 1875-76, p. 56.)

CRUELTY TO ANIMALS.**GENERAL PROVISIONS.****Penal Code.**

§369b. Any officer, agent or conductor of any company or person operating any railroad in this state, who in carrying and transporting cattle, sheep, or swine in carload lots, confines the same in cars for a longer period than thirty-six consecutive hours, without unloading for rest, water and feeding, for a period of at least ten consecutive hours, is guilty of a misdemeanor. In estimating such time of confinement, the period during which the animals have been confined without such rest on connecting roads from which they are received, must be computed. In case the owner or person in charge of such animals refuses or neglects to pay for the care and feed of animals so rested, the company or person operating such railroad may charge the expense thereof to the owner or consignee and retain a lien upon the animals therefor until the same is paid. (As amended, Stats. 1905, p. 672.)

Care of
stock during
transporta-
tion.

§369e. Any person who leads, drives, or conducts any beast along the track of a railroad, except where the railroad is built within the limits of a public highway, or who places, or having the right to prevent it, suffers any animal to be placed within the fences thereof for grazing or other purposes, is guilty of a misdemeanor. (As amended, Stats. 1905, p. 767.)

Animals
feeding
along
railroad
tracks.

§384c. Every person who wilfully or negligently, while hunting upon the inclosed lands of another, kills, maims, or wounds an animal, the property of another, is guilty of a misdemeanor. (As amended, Stats. 1907, p. 566.)

Animals
injured by
persons
hunting.

§597. Every person who maliciously kills, maims, or wounds an animal, the property of another, or who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink or shelter, or to be cruelly beaten, mutilated or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the same, or in any manner abuses any animal, or fails to provide the same with proper food, drink, shelter or protection from the weather, or who drives, rides or otherwise uses the same when unfit for labor, is for every such offense, guilty of a misdemeanor. (As amended, Stats. 1909, p. 999.)

Cruelty to
animals.

§597a. Whoever carries or causes to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhuman manner, or knowingly and wilfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor; and whenever

Unnecessary
suffering or
cruelty to
animals.

any such person is taken into custody therefor by any officer, such officer must take charge of such vehicle and its contents, together with the horse or team attached to such vehicle, and deposit the same in some place of custody; and any necessary expense incurred for taking care of and keeping the same, is a lien thereon, to be paid before the same can be lawfully recovered; and if such expense, or any part thereof, remains unpaid, it may be recovered, by the person incurring the same, of the owner of such domestic animal, in an action therefor. (Added, Stats. 1905, p. 679.)

Docking tails
of horses.

§597a. It shall be unlawful for any person or persons to dock the tail of any horse, within the State of California, or to procure the same to be done, or to import or bring into this state, any docked horse, or horses, or to drive, work, use, race or deal in any unregistered docked horses, or horses within the State of California except as provided in section five hundred ninety-seven *d* of this code. (Added, Stats. 1907, p. 269.)

Causing
animals
to fight.

§597b. Any person who, for amusement or gain, causes any bull, bear, cock, dog, or other animal to fight with like kind or different kind of animal or creature, or with any human being; or who, for amusement or gain, worries or injures any such bull, bear, cock, dog or other animal, or causes any such bull, bear, cock, dog or other animal to worry or injure each other; and any person who permits the same to be done on any premises under his charge or control; and any person who aids, abets, or is present at such fighting or worrying of such animal or creature, as a spectator, is guilty of a misdemeanor. (As amended, Stats. 1907, p. 845.)

Registration
of docked
horses.

§597b. Within thirty days after the passage of this act, every owner, or user of any docked horse, within the State of California, shall register his or her docked horse, or horses by filing in the office of the county clerk of the county in which such docked horse, or horses, may then be kept, a certificate, which certificate shall contain the name, or names of the owner, together with his or her post-office address, a full description of the color, age, size and the use made of such docked horse, or horses; which certificate shall be signed by the owner, or his, or her agent. The county clerk shall number such certificate consecutively and record the name in a book, or register to be kept for that purpose only; and shall receive as a fee for recording of such certificate, the sum of fifty cents, and the clerk shall thereupon issue to such person so registering such horse or horses a certificate containing the facts recited in this section which upon demand shall be exhibited to any peace officer, and the same shall be conclusive evidence of a compliance with the provisions of section five hundred ninety-seven *a* of this code. (Added, Stats. 1907, p. 269.)

Evidence of
docking
horses.

§597c. The driving, working, keeping, racing or using of any unregistered docked horse, or horses, after sixty days after the passage of this act, shall be deemed prima facie evidence of the fact that the party driving, working, keeping, racing or

using such unregistered docked horse, or horses, docked the tail of such horse or horses. (Added, Stats. 1907, p. 270.)

§597c. Whoever owns, possesses, keeps, or trains any bird or animal, with the intent that such bird or animal shall be engaged in an exhibition of fighting, or is present at any place, building, or tenement, where preparations are being made for an exhibition of the fighting of birds or animals, with the intent to be present at such exhibition, or is present at such exhibition, is guilty of a misdemeanor. (Added, Stats. 1905, p. 680.)

Training animals to fight.

§597d. Any sheriff, constable, police, or peace officer, or officer qualified as provided in section six hundred and seven f of the Civil Code, may enter any place, building, or tenement, where there is an exhibition of the fighting of birds or animals, or where preparations are being made for such an exhibition, and, without a warrant, arrest all persons there present. (Added, Stats. 1905, p. 680.)

Authority to enter premises.

§597d. Any person or persons violating any of the provisions of this act, shall be deemed guilty of a misdemeanor; *provided, however*, that the provisions of sections five hundred ninety-seven a, five hundred ninety-seven b, and five hundred ninety-seven c, shall not be applied to persons owning or possessing any docked pure-bred stallions and mares imported from foreign countries for breeding or exhibition purposes only, as provided by an act of congress entitled "An act regulating the importation of breeding animals" and approved March 3, 1903, and to docked native bred stallions and mares brought into this state and used for breeding or exhibition purposes only; and *provided further*, that a description of each such animal so brought into the state, together with the date of importation and name and address of importer, be filed with the county clerk of the county where such animal is kept, within thirty days after the importation of such animal. (Added, Stats. 1907, p. 270.)

Violation a misdemeanor.
Certain stock excepted.

§597e. Any person who impounds, or causes to be impounded in any pound, any domestic animal, must supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof, is guilty of a misdemeanor. In case any domestic animal is at any time impounded, as aforesaid, and continues to be without necessary food and water for more than twelve consecutive hours, it is lawful for any person, from time to time, as may be deemed necessary, to enter into and upon any pound in which any such domestic animal is confined, and supply it with necessary food and water so long as it remains so confined. Such person is not liable to any action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such animal, and such animal is not exempt from levy and sale upon execution issued upon a judgment therefor. (Added, Stats. 1905, p. 680.)

Treatment of impounded animals.

Permitting
animals to
go without
care.

§597f. Every owner, driver, or possessor of any animal, who shall permit the same to be in any building, inclosure, lane, street, square, or lot, of any city, city and county, or township, without proper care and attention, shall, on conviction, be deemed guilty of a misdemeanor. And it shall be the duty of any peace officer, or officer of the humane society, to take possession of the animal so abandoned or neglected and care for the same until it is redeemed by the owner or claimant, and the cost of caring for such animal shall be a lien on the same until the charges are paid. Every sick, disabled, infirm, or crippled animal which shall be abandoned in any city, city and county, or township, may, if after due search no owner can be found therefor, be killed by such officer; and it shall be the duty of all peace officers, or an officer of said society, to cause the same to be killed on information of such abandonment. Such officer may likewise take charge of any animal that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in the custody of its owner, such officer shall give notice thereof to such owner, if known, and may provide suitable care for such animal until it is deemed to be in a suitable condition to be delivered to such owner, and any necessary expenses which may be incurred for taking care of and keeping the same shall be a lien thereon, to be paid before the same can be lawfully recovered. (Added, Stats: 1905, p. 680.)

Keepers of
stallions, etc

§597g. Every person who lets to mares or jennies any stallion or jack within the limits of any city, town, or village, or within four hundred yards thereof, except in an inclosure sufficient to obstruct the view of all the inhabitants within such limits, and every person in charge of any stallion, bull, boar, ram, or buck goat who turns out or permits such animal to be turned out or run at large in any county, is guilty of a misdemeanor and punishable by a fine of not less than five or more than twenty dollars, or by imprisonment in the county jail not less than thirty days or by both such fine and imprisonment. (Added, Stats. 1905, p. 678.)

Prosecutions.

§599a. When complaint is made, on oath, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any provision of law relating to, or in any way affecting, dumb animals or birds, is being, or is about to be violated in any particular building or place, such magistrate must issue and deliver immediately a warrant directed to any sheriff, constable, police or peace officer, or officer of any incorporated association qualified as provided by law, authorizing him to enter and search such building or place, and to arrest any person there present violating, or attempting to violate, any law relating to, or in any way affecting, dumb animals or birds, and to bring such person before some court or magistrate of competent jurisdiction, within the city, city and county, or township within which such offense has been committed or attempted, to be dealt with according to

law, and such attempt must be held to be a violation of section five hundred and ninety-seven. (Added, Stats. 1905, p. 681.)

§599b. In this title the word "animal" includes every dumb creature; the words "torment," "torture," and "cruelty," include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" include corporations as well as individuals; and the knowledge and acts of any agent of, or person employed by, a corporation in regard to animals transported, owned, or employed by, or in the custody of, such corporation, must be held to be the act and knowledge of such corporation as well as such agent or employee. (Added, Stats. 1905, p. 681.)

Words defined.

§599c. No part of this title shall be construed as interfering with any of the laws of this state known as the "game laws," or any laws for or against the destruction of certain birds, nor must this title be construed as interfering with the right to destroy any venomous reptile, or any animal known as dangerous to life, limb, or property, or to interfere with the right to kill all animals used for food, or with properly conducted scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this state. (Added, Stats. 1905, p. 681.)

Not to interfere with game laws.

§599d. Whoever shall cut the solid part of the tail of any horse in the operation known as "docking," or in any other operation performed for the purpose of shortening the tail, and whoever shall cause the same to be done, or assist in doing such cutting, is guilty of a misdemeanor. (Added, Stats. 1905, p. 681.)

Docking horses' tails.

§599e. Every animal which is unfit, by reason of its physical condition, for the purpose for which such animals are usually employed, and when there is no reasonable probability of such animal ever becoming fit for the purpose for which it is usually employed, shall be by the owner or lawful possessor of the same, deprived of life within twelve hours after being notified by any peace officer, or officer of said society, to kill the same, and such owner, possessor, or person omitting or refusing to comply with the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor, and after such conviction the court or magistrate having jurisdiction of such offense shall order any peace officer, or officer of said society, to immediately kill such animal; *provided*, that this shall not apply to such owner keeping any old or diseased animal belonging to him on his own premises with proper care. (Added, Stats. 1905, p. 681.)

Animals to be killed when unfit for work.

Civil Code.

§1887. One who borrows a living animal for use, must treat it with great kindness, and provide everything necessary and suitable for it.

USE OF BRISTLE BUR, ETC.

An act to prohibit the use of the bristle bur, tack bur, or other like devices on horses or other animals in this state.

(Approved March 13, 1903; Statutes 1903, p. 139.)

Unlawful to
use bristle
bur, etc.

SECTION 1. It shall be unlawful hereafter in this state for any one, owner, driver or other person, having the care, custody or control of any horse or other animal, to use what is known as the bristle bur, tack bur, or other like device, by whatsoever name known or designated, on any said horse or other animal for any purpose whatsoever.

Penalty.

SEC. 2. A violation of the provisions of this act shall be deemed a misdemeanor and any one found guilty thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail not less than ten nor more than one hundred and seventy-five days, or may be punished by both such fine and imprisonment.

Repeal.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

LIABILITY FOR INJURIES TO ANIMALS.

Civil Code.

Injuries to
animals.

§3340. For wrongful injuries to animals being subjects of property, committed wilfully or by gross negligence, in disregard of humanity, exemplary damages may be given.

Extent of
liability.

§3341. The owner, possessor, or harbinger of any dog or other animal, that shall kill, worry, or wound any sheep, angora goat, or cashmere goat, or poultry, shall be liable to the owner of the same for the damages and costs of suit, to be recovered in any court of competent jurisdiction:

1. In the prosecution of actions under the provisions of this chapter, it shall not be necessary for the plaintiff to show that the owner, possessor, or harbinger of such dog or other animal, had knowledge of the fact that such dog or other animal would kill, wound or worry sheep, goats, or poultry.

2. Any person on finding any dog or dogs, or other animal, not on the premises of the owner or possessor of such dog or dogs, or other animal, worrying, wounding, or killing any sheep, angora or cashmere goats, may, at the time of finding such dog or dogs, or other animal, kill the same, and the owner or owners thereof shall sustain no action for damages against any person so killing such dog or dogs, or other animal. (As amended, Stats. 1903, p. 54.)

SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS.

Civil Code.

§607. Corporations may be formed by any number of persons not less than five, a majority of whom must be citizens and residents of this state, under the general provisions of this code, for the purpose of the prevention of cruelty to children or animals, or both. (Added, Stats. 1905, p. 590.)

Formation
of corpora-
tions.

§607a. Every such corporation may take and hold, by gift, purchase, devise, or bequest, any property, real or personal, and dispose of the same at its pleasure; but it must not hold real property the annual income of which exceeds fifty thousand dollars. (Added, Stats. 1905, p. 590.)

Powers.

§607b. Any such corporation, or any member or officer thereof, may prefer a complaint against any person or persons, before any court or magistrate having jurisdiction, for the violation of any law relating to or affecting children or animals, and may aid in the prosecution of any such offender before such court or magistrate in any proceeding taken. (Added, Stats. 1905, p. 590.)

Complaints
for
violating
law.

§607c. All magistrates, constables, sheriffs, and officers of police must, as occasion may require, aid any such corporation, its officers, members, and agents, in the enforcement of all laws which are now or may be hereafter enacted relating to or affecting children or animals. (Added, Stats. 1905, p. 590.)

Aid by
magistrates,
etc.

§607d. The provisions of this title extend to all corporations heretofore formed and existing for the prevention of cruelty to children or animals, but do not extend or apply to any association, society, or corporation which uses or specifies a name or style the same, or substantially the same, as that of any previously existing society or corporation in this state organized for a like purpose. (Added, Stats. 1905, p. 590.)

Pre-existing
corporations.

§607e. Every society, incorporated and organized for the prevention of cruelty to animals, or for the prevention of cruelty to children, may, in each city, or city and county, or county, where such society exists, while actively engaged in enforcing the provisions of the laws of this state, now or hereafter enacted, for the prevention of cruelty to animals or children, or arresting, or prosecuting offenders thereunder or preventing cruelty to animals or children, be paid as compensation therefor, from the city or county, or city and county general fund, by the board of supervisors or other governing body thereof, a sum not exceeding five hundred dollars per calendar month, in the same manner as other claims against said city or county, or city and county, are paid. (As amended, Stats. 1913, p. 638.)

Compensa-
tion of
societies.

§607f. Any such corporation incorporated for the purpose of the prevention of cruelty to animals may by resolution of its board of directors or trustees duly entered on its minutes appoint any number of its members, who shall be citizens of the State of California as humane officers. Each appointment shall be by separate resolution. Such resolution shall state

Humane
officers.

the full name and place of residence and the business or occupation of the person so appointed and the fact that he is a citizen of the State of California and shall also designate the number of the badge to be allotted to such officer. Every person so appointed must within ten days after his appointment present to the judge of the superior court in and for the county or city and county in which the corporation appointing such officer has its principal place of business a copy of such resolution duly certified to be correct by the president and secretary of such corporation and attested by its seal. The judge shall examine such appointee as to his qualifications and fitness to act as such officer and, if he approves such appointment, shall indorse his approval on said certified copy of said resolution. Said appointee shall thereupon and within said period of ten days file said certified copy with the judge's approval indorsed thereon in the office of the county clerk of said county or city and county and shall at the same time take and subscribe the oath of office prescribed for constables or other peace officers. The county clerk shall thereupon immediately enter in a book to be kept in his office and designated "Record of Humane Officers" the name of such officer, the number of his badge, the name of the corporation appointing him and the date of such filing. At the time of such filing the county clerk shall collect from such officer a fee of fifty cents, which shall be in full for all services to be performed by the county clerk under the provisions of this section. The corporation appointing such officer may revoke such appointment at any time by resolution of its board of directors or trustees, a duly certified copy of which resolution must within five days after its adoption be filed in the office of the county clerk in which the appointment of such officer is recorded and upon such filing the county clerk shall enter the fact of such revocation and the date of the filing thereof opposite the name of such officer in such record of humane officers. Such humane officers after qualifying as above provided shall have power at all places within the state lawfully to interfere to prevent the perpetration of any act of cruelty upon any dumb animal and may use such force as may be necessary to prevent the same and to that end may summon to their aid any bystander. They may make arrests for the violation of any penal law of this state relating to or affecting animals in the same manner as a constable or other peace officer and may carry such weapons as peace officers are authorized to carry; except that in cities and counties and cities of the first and first and one half classes no such humane officer shall carry any such weapon unless permission in writing so to do has first been granted to him by the board of police commissioners of such city or city and county. Every humane officer must when making such arrests exhibit and expose a suitable badge to be adopted by the corporation appointing him which shall bear its name and a number. Any person resisting a humane officer

in the performance of his duty as provided in this section shall be guilty of a misdemeanor. Any person who has not been appointed and qualified as a humane officer as provided in this section, or whose appointment has been revoked as provided in this section, who shall represent himself to be or shall attempt to act as such officer shall be guilty of a misdemeanor. Any officer of such corporation who shall knowingly or wilfully sign or issue any certificate provided for in this section, which shall be in any material respect false or untrue, shall be guilty of a misdemeanor. (As amended, Stats. 1913, p. 511.)

HERDING AND GRAZING OF LIVE STOCK.

NONRESIDENT'S LICENSE FOR HERDING LIVE STOCK.

An act to regulate the herding and grazing of the live stock of nonresidents and foreign corporations upon unenclosed land in the State of California and providing a penalty for any violation of any of the provisions of this act.

(Approved May 19, 1919; Stats. 1919, p. 753.)

SECTION 1. It shall be unlawful for any person or for any corporation who or which does not have his or its principal home ranch and live stock headquarters in the State of California, except as herein provided, to herd or graze, or to cause to be herded or grazed, upon any unenclosed lands in the State of California any sheep or bovine cattle without having first obtained from the tax collector of the county in which such herding or grazing or some portion thereof is done, a valid license authorizing such herding and grazing in the State of California. Such license shall be issued by said tax collector to and in the name of such person or corporation upon compliance by him or it with the provisions of section two of this act, and shall be valid only for the calendar year in which it is dated; *provided*, that any person or any corporation which does not have its principal home ranch and live stock headquarters in the State of California, owning or leasing land in the State of California, shall be exempt from any license or the payment of any license for five head of sheep for each acre so owned or leased, and three head of bovine cattle for each acre so owned or leased.

Nonresidents must have license for herding and grazing of live stock.

Exemptions.

SEC. 2. As conditions precedent to the issuance of said license, the applicant therefor shall:

Affidavit of applicant for license.

1. File with said tax collector an affidavit which shall explicitly and truly state the following facts:

(a) If the applicant is a nonresident person, his name and place of residence; or, if the applicant is a corporation, its name, the state under whose laws it is incorporated, the date of its incorporation, its principal place of business, and the name and addresses of its officers.

(b) The location of his or its principal home ranch and live stock headquarters.

(c) The number of acres of land owned or leased in the State of California, together with a description thereof.

2. Pay to the said tax collector the sum of fifty cents a head for each of the sheep, and the sum of two dollars a head for each of the bovine cattle proposed to be herded or grazed in the State of California, after deducting the number of sheep and cattle as exempted from the payment of said tax.

SEC. 3. No such person or corporation shall herd, graze, or cause to be herded or grazed upon any unenclosed land in any county in California any greater number of live stock than that for which he or it has previously obtained such license, and which is exempted under the provisions of this act.

Disposal of
license fees.

SEC. 4. The tax collector collecting such license moneys shall be allowed to retain for his own compensation and in addition to his salary or other fees now provided by law six per centum of the said license moneys by him collected, and shall quarterly pay the remainder of such moneys into the general county road fund.

Penalty.

SEC. 5. Any person or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punishable by a fine not exceeding five hundred dollars, and shall be prohibited from herding, grazing, or causing to be herded or grazed any live stock in the State of California until such fine is paid.

When act
shall become
void.

SEC. 6. If any law passed at the present session of the legislature in any of the states bordering on California, similar to this bill affecting the citizens and corporations of the State of California, shall be declared unconstitutional and invalid by a court of last resort in any of said states, then this act shall immediately become inoperative and void.

LICENSING OF SHEEP HERDING.

An act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding and pasturing sheep.

(Approved March 20, 1909; Stats. 1909, p. 608.)

Limit to
licenses for
business of
sheep
raising, etc.

SECTION 1. No license or licenses greater than three cents per head shall be imposed by the board of supervisors of any county in this state on the business of raising, grazing, herding or pasturing sheep, and any and all licenses imposed by the board of supervisors of any county on the business of raising, grazing, herding or pasturing sheep, in excess of three cents per head, shall be and are hereby declared invalid; *provided*, the provisions of this act shall not apply to any license tax the validity of which is involved in any suit now pending or to any such license tax due when this act takes effect.

SEC. 2. Any license tax, imposed by any board of supervisors of any county in this state, upon the business of raising, grazing, herding or pasturing sheep, shall not be so construed and applied as to permit a license tax for or on account of lambs under eight months old.

SEC. 3. This act shall take effect immediately.

FENCE, ESTRAY, AND TRESPASS LAWS.

NOTE.—In the absence of definite expression either by statute or judicial opinion, the status and effect of the laws relating to fences, estrays and trespass of animals is unsettled. Many early laws were passed on these subjects, applying to particular counties, and no ruling has been made as to their repeal by subsequent legislation.

For information as to the law on these subjects prevailing in a particular county, it is recommended that the inquiry be addressed to the district attorney of that county, who will be best informed as to the local legislation which may be in effect.

LAWFUL FENCES.

*An act concerning lawful fences, and animals trespassing on premises lawfully inclosed.**

(Approved March 30, 1850; Stats. 1850, p. 131.)

SECTION 1. Every inclosure shall be deemed a lawful fence, which is four and a half feet high, if made of stone; and if made of rails, five and a half feet high; if made upon the embankment of a ditch three feet high from the bottom of the ditch, the fence shall be two feet high; said fence to be substantial and reasonably strong, and made so close that stock can not get their heads through it, and if made to turn small stock, sufficiently tight to keep such stock out. A hedge fence shall be considered a lawful fence if five feet high and sufficiently close to turn stock.

Lawful
fence
defined.

SEC. 2. If any horses, mules, jacks, jennies, hogs, sheep, goats, or any head of neat cattle shall break into any grounds inclosed by a lawful fence, the owner or manager of such animals shall be liable to the owner of said inclosed premises for all damages sustained by such trespass; and if the trespass is repeated by neglect of the owner of such stock, he shall, for

Trespasses
by animals
on grounds
inclosed by
a lawful
fence.

*By sections 9 and 10 of the act of 1855 concerning lawful fences, page 99 hereof, the act of 1850 was repealed except as to counties enumerated in section 9 of the act of 1855. Special acts were passed later affecting all the counties listed except the following: Amador, Klamath (now forming Del Norte and part of Humboldt and Siskiyou counties), San Diego, Santa Barbara, Siskiyou (including Modoc, separated in 1874) and Trinity. According to the Code Commissioner's note, the act of 1850 is apparently still in effect in the above six counties. By section 10 of the estray law of 1901, page 108 hereof, the act of 1850 is continued in force in Trinity, Shasta, Del Norte, Siskiyou, Modoc and Lassen counties.

the second offense, be subject to double the damages sustained by the owners of said premises.

Penalty on owners or occupiers of lands not inclosed by a lawful fence, for injuring animals entering on such lands.

SEC. 3. If any owner or occupier of any grounds or crops injured by any animal or animals breaking into or entering on grounds not inclosed by a lawful fence, shall kill, maim, or materially hurt or injure any animal doing such injury, he shall be liable to the owner for all damages, and also all costs that may accrue in a suit for such damages.

*An act concerning lawful fences.**

(Approved April 27, 1855; amendments approved April 3, 1860; May 18, 1861; Stats. 1855, p. 154; 1860, p. 141; 1861, p. 513.)

Lawful fences.

SECTION 1. Lawful fences are described as follows, viz: *First*—Wire fence shall be made of post, not less than twelve inches in circumference, set in the ground not less than eighteen inches, and not more than eight feet apart, with not less than three horizontal wires, each one-fourth of an inch in diameter—the first one shall be eighteen inches from the ground, the other two above this one, at intervals of one foot between each, all well stretched and securely fastened from one post to another, with one rail, slat, pole or plank, of suitable size and strength, securely fastened to the post not less than four and a half feet from the ground. *Second*—Post and rail fence shall be made of post of the same size and at the same distance apart, and the same depth in the ground as above with three rails, slats or planks, of suitable size and strength, the top one to be four feet and a half from the ground, the other two at equal distances between the first and the ground, all securely fastened to the post. *Third*—Picket fence shall be the same height as above, made of pickets, each not less than six inches in circumference, not more than six inches apart, driven in the ground not less than ten inches, all well secured at the top by slats or caps. *Fourth*—Ditch and pole fence shall be made of a ditch not less than four feet wide on top, and three feet deep, embankment thrown upon the inside of the ditch, with substantial posts set in the embankment not more than eight feet apart, and a plank, pole, rail or slat securely fastened to said posts, at least five feet high from the bottom of the ditch. *Fifth*—Pole fence shall be four and a half feet high, with stakes not less than three inches in diameter, set in the ground not less than eighteen inches, and where the stakes are placed seven feet apart, there shall be not less than six horizontal poles well secured to the stakes; if the stakes are six feet apart, five poles; if three or four feet, four poles; if two feet apart, three poles, and the stakes need not be less than two

Wire fences.

Post and rail fence.

Picket fence.

Ditch and pole fence.

Pole fence.

*"The acts of April 27, 1855, and April 3, 1860, concerning lawful fences, are continued in force under section 19 of the Political Code, and consequently the counties to which they apply are not subject to the provisions of section 841 of the Civil Code." *Meade vs. Watson*, 67 Cal. 591; see, also, *Gonzales vs. Wasson*, 51 Cal. 295.

inches in diameter; if one foot apart, one pole, and stakes need not be more than two inches in diameter. The above is a lawful fence so long as the stakes and poles are securely fastened and in a fair state of preservation. Hedge fence shall be considered lawful when, by reliable evidence it shall be proved equal in strength, and as well suited to the protection of enclosed lands as any one of the fences described in other subdivisions of this section. *Sixth*—Brush fence shall be four and a half feet high, and at least twelve inches wide, with stakes not less than two inches in diameter, set in the ground not less than eighteen inches, one on each side, every third foot tied together at the top, with one horizontal pole tied to the outside stake five feet from the ground.

SEC. 2. Any fence which, by reliable evidence, shall be declared as strong, substantial, and as well suited to the protection of inclosures as either of the above described, shall be a lawful fence in all the counties of this state, except Sonoma, Napa, El Dorado, Yuba, and Marin. (As amended, Stats. 1861, p. 513.)

SEC. 3. In each of the counties named in the preceding section of this act, the following described shall be a lawful fence, viz: *First*—Post and rail fence shall be made of post not less than four by six inches, set in the ground not less than two feet, with rails not less than three inches thick, placed not more than five inches apart, for the first three feet, and after that not more than eight inches apart, the fence to be not less than five feet high. *Second*—Worm fence shall be five feet high, with additional stakes and riders, no greater space to intervene between the rails than in a post and rail fence. *Third*—Post and slat fence shall be of the same height and with the same space between the slats as above, in this section, the post shall not be less than twelve inches in circumference, and not less than two feet in the ground. The slats to be not less than one and a half inches thick, all well fastened to the post with twelve-penny nails. *Fourth*—Paling fence shall be of the same height, and the post of the same size, and set in the ground the same depth, as in a post and rail fence, with post not more than ten feet apart. *Fifth*—Ditch fence shall be four feet wide at the top, and three feet deep, with post set in the embankment not over seven feet apart, with three slats not less than four inches wide, and one and a half inches thick, all securely fastened to the post; or—

SEC. 4. Any fence which, by reliable evidence, shall be declared as strong, substantial, and as well calculated to protect enclosures as either of those described in the third section of this act, shall be a lawful fence in each of the counties named in the second section of this act.

SEC. 5. When a fence has been erected by any person on the line of his land, and the person owning the land adjoining thereto shall make or cause to be made, an inclosure on the opposite side of such fence, so that such fence may answer the

Other fences
in certain
counties.

Lawful fences
in certain
counties.
Post and
rail fence.

Worm fence.

Post and
slat fence.

Paling fence.

Ditch fence.

Other
lawful fences.

Partition
fences.

purpose of inclosing his ground also, such person shall pay the owner of such fence already erected, one half the value of so much thereof as serves as a partition fence between them; *provided*, if the party so inclosing shall neglect or refuse to pay for the one-half of such fence, the land so inclosed shall become liable therefor, and the value of the one-half of such fence shall become and remain a lien upon such land, and shall draw interest at the rate of fifteen per cent per annum until paid. Notice of such lien shall be filed in the office of the county recorder of the county, as provided by law for mechanics' liens. The value of the fence at the time such inclosure was made, shall be the amount, with interest thereon, to which the builder of the fence shall be entitled. (As amended, Stats. 1860, p. 141.)

SEC. 6. When two or more persons own land adjoining which is inclosed by one fence, and it becomes necessary for the protection of the rights and interests of one party, that a partition fence should be made between them, the other or others, when notified of such fact, shall proceed to erect or cause to be erected, one-half of such partition fence; said fence to be erected on, or as near as practicable, the line of said land; and if, after six months' notice given, either party shall persist in refusing to erect, or cause to be erected, one-half of such fence, the party giving the notice may proceed to erect or cause to be erected, the entire partition fence, and collect by law one-half of the cost of such fence from the other party, and he shall be entitled to the lien upon the land thus partitioned, as provided in the preceding section. (As amended, Stats. 1860, p. 142.)

NOTE.—The following three sections supplementing section six were added by the amendment of 1860: .

Parties to
maintain
fence.

SEC. 3. Except when otherwise agreed, partition fences dividing lands occupied on both sides shall be maintained throughout the year, each party keeping in repair the portion constructed by, adjudged to, or paid for by him. If either party fails so to do, the other may give him three days' notice that he will call upon three disinterested householders, at a specified hour on the day fixed, to examine such fence and, if they deem it insufficient, to assess the amount necessary to make it sufficient. (Added, Stats. 1860, p. 142.)

Damages.

SEC. 4. If, within fifteen days thereafter, the party to whom notice has been given shall fail to repair such fence, the complainant may do so; and in that case he shall have cause of action against the other for the amount so assessed, with twenty-five per cent damages thereon. (Added, Stats. 1860, p. 142.)

SEC. 5. Upon such trial, the defendant may impeach the assessment, and in that case the court or jury, as the case may be, shall determine the amount of damages. (Added, Stats. 1860, p. 142.)

Fences to be
on line.

SEC. 7. All partition fences separating adjoining enclosures, shall stand upon the line, and any person or persons when

erecting a partition fence, and refusing to place it on the line dividing such lands, or to remove it to such line when erected otherwise than thereon, shall subject himself to one half the cost of its removal and erection in the right place.

SEC. 8. The respective owners or lessees of lands which now are, or hereafter may be enclosed with fences, shall keep up and maintain in good repair all partition fences between their own and the next adjoining enclosures, in equal shares, so long as both parties continue to occupy or improve the same. Duty of owners.

SEC. 9. Nothing in this act shall be so construed as to apply to the counties of Butte, Amador, Tuolumne, San Diego, Nevada, San Bernardino, Colusa, Placer, Santa Barbara, Yuba, Trinity, Shasta, Klamath, and Siskiyou; and said counties are hereby excepted and excluded from the provisions of this act. Counties excepted.
(As amended, Stats. 1863-64, p. 465.)

SEC. 10. An act entitled An act concerning lawful fences, etc., passed March thirtieth, eighteen hundred and fifty, is hereby repealed, except as far as the counties exempt from the provisions of this act are concerned.* Repeal, with exception.

An act concerning lawful fences in the counties of San Bernardino, Colusa, Shasta, Tehama, and Placer.

(Approved April 18, 1859; Stats. 1859, p. 279.)

SECTION 1. In the counties of San Bernardino, Colusa, Shasta, Tehama, and Placer, every inclosure shall be deemed a lawful fence, which is four and one-half feet high, if made of stone, and if it be made of rails, five and one-half feet high; if the fence be a post and rail fence, or a picket fence, it shall be constructed of posts of reasonable size and strength, firmly set in the ground, not more than twelve feet apart—and not more than eight feet apart, if it be a board fence; the rails, boards, or pickets, to be of reasonable size and strength, securely fastened to the posts, to the height of four and a half feet, and reasonably close; if a picket fence, the pickets, also, to be strongly nailed to a rail above, and one below, or driven into the ground and nailed to a rail above, reasonably close; if a ditch fence, the ditch to be at least two and a half feet deep, and three feet wide at the top, the embankment to be either on the inside or outside of the inclosure, with a rail, board, or picket fence on the embankment, to the height of three feet, or any other kind of fence equivalent in height, quantity, and strength, to the above kind of fences, are hereby declared lawful fences in said counties. Lawful fences.

SEC. 2. If any horse, mule, jack, jenny, hog, sheep, goat, or any head of neat cattle, shall break into any ground, inclosed by a lawful fence, the owner, or manager, of such animal shall be liable, to the owner of such inclosed premises, for all dam- Trespass.

*See note to act of 1850, page 95 hereof.

ages sustained by such trespass, and if the trespass be repeated, by neglect of the owner, or manager, of such animals, he shall, for the second and every subsequent trespass, be subject to double the damages of such trespass, to the owner of said premises; *provided, also*, that the owner of any premises, inclosed by a lawful fence, may take up, and safely keep, at the expense of the owner thereof, any such animal, or animals, trespassing thereon, and if such animal, or animals, shall not be applied for, by the owner thereof, and such damages be paid, within ten days after such taking-up, the same may be posted and disposed of, under the estray law of the state; and, before restitution shall be had by the owner of such animal, or animals, in any case, all damages done by them, and all expenses of pasturing, keeping, and disposing of them, shall be paid.

Partition
fences.

SEC. 3. When a fence shall have been erected by any person, on the line of his land, or that for which he may have a lease for one year, or more, and the person owning the land adjoining thereto, or holding a lease of the same for one or more years, shall make, or cause to be made, an inclosure on the opposite side of such fence, so that such fence may answer the purpose of inclosing his ground also, such person shall pay the owner of such fence, already erected, one-half of the value of so much thereof as serves as a partition fence between them.

May collect
cost.

SEC. 4. When two or more persons own land adjoining, which is inclosed by one fence, and it becomes necessary, for the protection of the right and interest of one party, that a partition fence should be made between them, the other, or others, when notified of the fact, shall proceed to erect, or cause to be erected, one-half of such partition fence, such fence to be erected on (or as near as possible) the division line of such land; and if, after notice is given by either party, and a reasonable time has elapsed, and the other party persist in refusing to erect one-half of such fence, the party giving such notice may proceed to erect the entire partition fence, and collect, by law, the proportional share of the cost of such fence, from the party, or parties, so refusing to build his or their respective portions thereof.

On the line.

SEC. 5. All partition fences, separating adjoining inclosures, shall stand upon the line, and any person, or persons, when erecting a partition fence, and refusing to place it on the line dividing such lands, or remove it to such line, when erected otherwise than thereon, shall subject himself to one-half the cost of the removal, and erection thereof in the right place.

In repair.

SEC. 6. The respective owners, or lessees, of lands which now are, or hereafter may be, inclosed with fences, and their successors in interest therein, shall keep up, and maintain, in good repair and condition, all partition fences, between their own and the next adjoining inclosures, in equal shares.

SEC. 7. When two or more persons shall agree to cultivate lands, under one inclosure, neither of them shall place, or cause to be placed, any stock or animals on his, her, or their ground, to the injury or damage of the other, or others, but, for a violation of this provision, shall be liable for all damages thus sustained by the other, or others, and for a repetition of such violation, after due notice be given, and for every subsequent repetition, double damages shall be recovered; it shall not be necessary to prove an express agreement to cultivate under one inclosure, but the fact of such cultivation shall be sufficient evidence of such agreement.

Under one
inclosure.

SEC. 8. All acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed, so far as they relate to the counties of San Bernardino, Colusa, Shasta, Tehama, and Placer.

Repealing
clause.

NOTE.—For other special acts relating to lawful and division fences, see note to act of 1876, page 103 hereof. For definition of lawful fence under local option estray law of 1919, see page 108 hereof.

DIVISION FENCES.

An act to provide for constructing division fences.

(Approved March 9, 1876. Amendments approved March 30, 1878. Stats. 1875-6, p. 175; 1877-8, p. 165.)

SECTION 1. When two or more persons own land adjoining, which is inclosed by one fence, in either the counties of Sacramento, Solano, Sutter, Yuba, Butte, Contra Costa, and in that portion of San Joaquin County lying and being north and east of the San Joaquin River, Amador, San Luis Obispo, Santa Barbara, Ventura, Tulare, El Dorado, Tuolumne, San Mateo,* and Nevada, and it becomes necessary for the protection of the rights and interests of one party that a partition fence should be made between them, the other or others, when notified, shall proceed to erect, or cause to be erected, one-half of such partition fence; said fence to be erected on, or as near as practicable, the line of said land. And if, after notice given in writing, or after determination of the viewers, as provided in section six hereof, either party shall fail to proceed to erect, or cause to be erected and completed, within six months' time thereafter, one-half of such fence, the party giving the notice may proceed to erect or cause to be erected, the entire partition fence and collect by law one-half of the costs of such fence from the other party, and he shall be entitled to a lien upon the land thus partitioned, as provided in section one of an act entitled An act amendatory of and supplemental to an act entitled An act concerning lawful fences, approved April third, eighteen hundred and sixty.

Erection of
partition
fences.

Persons
interested
to be
notified.

SEC. 2. Lawful division fences are described as follows:
First—If made of stone, four feet high, three feet base, and one foot thick on the top.

Lawful
division
fences.

*Repealed as to San Mateo County, Stats. 1877-8, p. 1019.

Second—If it be worm fence, the rails should be well laid, and at least five feet high.

Third—If made of posts and boards, the posts must be set well in the ground, not less than eighteen inches, and not wider apart than eight feet. If intended to turn all stock, it shall be at least five six-inch boards or four eight-inch boards high, or four boards high with a ditch embankment equal to one board, or four six-inch boards high with a wire on top; the boards to be six inches wide and one-inch thick, the top board or wire to be four and one-half feet from the ground, the spaces well divided, and the boards securely nailed to the posts. If intended, as by mutual agreement in writing, a lawful fence to turn only neat cattle, horses and mules, a three-board fence shall be deemed sufficient, the bottom board to be two feet from the ground.

Fourth—If made of pickets, posts and rails, or posts and poles, and a ditch or ditches, the fence must be equally strong and secure as a fence made as described in the last subdivision.

Fifth—If made of wire, posts and poles, ditch, pickets, hedge, brush, or any other materials, the fence, to be lawful, must be equal in strength and capacity to turn stock as the fence described in the third subdivision of this section. (As amended, Stats. 1877-8, p. 765.)

Dimensions
of posts.

SEC. 3. All posts used in such fences shall be at least twelve inches in circumference, set at least eighteen inches in the ground, and must be replaced when and as often as the fence shall become decayed.

Duty of
owners.

SEC. 4. Each coterminous land owner shall construct and keep in repair a just proportion of the line fence between their respective tracts of land, unless the owner of one or both of said tracts shall choose to allow his land to lie uninclosed.

Liability of
adjoining
owners.

SEC. 5. When one of such adjoining proprietors shall have allowed his land to lie uninclosed, and afterwards shall inclose it he shall owe and be indebted to such adjoining owner one-half the value of any division fence owned by the other, used by him in forming such inclosure; and each shall thereafter keep one-half of such fence in repair.

Disagree-
ment, viewers
to decide.

SEC. 6. If adjoining proprietors can not agree as to the proportion or the particular part of a division fence to be made, maintained, or kept in repair by each respectively, either party may apply, on five days' notice, to a justice of the peace of the township, if there be one, if not, to the county judge, for the appointment of three viewers, who may examine witnesses on oath, and view the premises, and must determine:

First—If the fence is owned by one proprietor, how much the other shall pay as his proportion of the value.

Viewers to
file report.

Second—If the fence, or the whole thereof, is not built, which part thereof shall afterwards be built and kept in repair by each. The determination of the viewers shall be reduced to writing and signed by them, and shall be filed in the office

of the county clerk, and such determination shall be conclusive upon the parties. If any part of such determination shall consist in fixing the value of a fence, for which one party is to pay the other a proportion also fixed, such proportion shall be paid within thirty days after notice of such determination, and if not so paid may be recovered by action in any court of competent jurisdiction. The viewers shall be entitled to a fee of three dollars each, one-half to be paid by each proprietor. Fees of viewers.

SEC. 7. Nothing in this act shall be held to repeal or affect subdivision fourteen of section eight hundred one of the Civil Code, nor sections eight hundred forty and eight hundred forty-one of said code, but this act shall be deemed cumulative.

SEC. 8. This act shall be in force from and after its passage.

NOTE.—Special acts concerning lawful and division fences relating to counties not included in the act of 1875 were passed as follows:

El Dorado (lawful fences), Stats. 1869-70, p. 584.

Modoc (lawful and division fences), Stats. 1873-4, p. 362; amended, Stats. 1875-6, p. 71.

Colusa and Tehama (partition fences), Stats. 1875-6, p. 207.

San Mateo (partition fences), Stats. 1875-6, p. 173.

Sonoma (partition fences on line of adjoining county), Stats. 1877-8, p. 692.

MAINTENANCE OF DIVISION FENCES.

Civil Code.

§801. The following land burdens or servitudes upon land, may be attached to other land as incidents or appurtenances, and are then called easements:

* * * * *

14. The right of having the whole of a division fence maintained by a coterminous owner: * * *.

§840. The owner of a life estate must keep the buildings and fences in repair from ordinary waste. * * *.

§841. Coterminous owners are mutually bound equally to maintain:

1. The boundaries and monuments between them;

2. The fences between them, unless one of them chooses to let his land lie without fencing; in which case, if he afterwards incloses it, he must refund to the other a just proportion of the value, at the time, of any division fence made by the latter.*

LEAVING GATE OPEN.

Penal Code.

§602. Every person who willfully commits any trespass by either:

* * * * *

8. Willfully opening, tearing down, or otherwise destroying any fence on the inclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the permission of the owner, or maliciously tearing down, Leaving gate open.

*See note to act of 1855 concerning lawful fences, page 96 hereof.

mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or

9. Entering any inclosure belonging to, or occupied by, another for the purpose of hunting, shooting, killing, or destroying any kind of game within such inclosure, without having first obtained permission from the owner of such inclosure;

Is guilty of a misdemeanor.

(As amended, Stats. 1905, p. 688.)

RAILROAD FENCES.

Civil Code.

Maintenance
of fences
along rail-
roads;
damages for
killing stock.

§485. Railroad corporations must make and maintain a good and sufficient fence on both sides of their track and property. In case they do not make and maintain such fence, if their engine or cars shall kill or maim any cattle or other domestic animals upon their line of road, except where the same runs through or upon public land they must pay to the owner of such cattle or other domestic animals a fair market price for the same, unless it occurred through the neglect or fault of the owner of the animal so killed or maimed. Railroad corporations paying to the owner of the land through or along which their road is located an agreed price for making and maintaining such fence, or paying the cost of such fence with the award of damages allowed for the right of way for such railroad, are relieved and exonerated from all claims for damages arising out of the killing or maiming any animals of persons who thus fail to construct and maintain such fence; and the owners of such animals are responsible for any damages or loss which may accrue to such corporation from such animals being upon their railroad track, resulting from the non-construction of such fences, unless it is shown that such loss or damage occurred through the negligence or fault of the corporation, its officers, agents, or employees. (As amended, Stats. 1915, p. 1281.)

Penal Code.

Closing of
gates at
railroad
crossings.

§369d. Any person who enters upon or crosses any railroad, at any private passway, which is inclosed by bars or gates, and neglects to leave the same securely closed after him, is guilty of a misdemeanor. (Added, Stats. 1905, p. 766.)

Animals
feeding
along rail-
road tracks.

§369e. Any person who leads, drives, or conducts any beast along the track of a railroad, except where the railroad is built within the limits of a public highway, or who places, or having the right to prevent it, suffers any animal to be placed within the fences thereof for grazing or other purposes, is guilty of a misdemeanor. (Added, Stats. 1905, p. 767.)

ESTRAYS.

An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays.

(Approved March 23, 1901. Amendments approved March 20, 1905; March 6, 1907; April 22, 1909; May 20, 1915. Stats. 1901, p. 603; 1905, p. 395; 1907, p. 132; 1909, pp. 1060, 1079; 1915, p. 636.)

SECTION 1. Any person finding at any time any estray domestic animal or animals upon his premises, or upon premises to which he has the right of possession, or upon highways adjacent thereto, may take up the same and have a lien thereon for all expenses incurred and costs in keeping and caring for said animal or animals, as hereinafter provided; and no person shall remove them from the possession of the taker-up, or from the possession of the officer to whom they may have been delivered, except as hereinafter provided; *provided, however,* in the counties of Trinity, Shasta, Del Norte, Siskiyou, Lassen and Modoc, any person finding at any time any estray domestic animal or animals upon his premises, or upon premises to which he has the right of possession, shall not have the right to take up said domestic animal or animals, nor shall he have a lien thereon for all or any of the expenses incurred and costs in keeping and caring for said animal or animals, unless said premises are entirely enclosed with a good and substantial fence. (As amended, Stats. 1915, p. 636.)

Estray domestic animals may be taken up.

Counties excepted.

SEC. 2. Any person taking up an estray animal or animals shall confine the same in a secure place, and within five (5) days file with the county recorder or county poundkeeper of the county in which such estray is found, a notice containing a description of the animal or animals taken up, with the marks and brands, if they have any, together with the probable value of each animal, and a statement of the place where the taker-up found, and where he has confined the same. The county recorder or county poundkeeper shall receive for filing said notice the sum of fifty cents. If the value of said animal or animals together exceed ten dollars, said notice must also be published in a paper of general circulation within the county at least once a week for three successive weeks, stating the time on which the animal or animals will be delivered to the constable, as provided in section five of this act, or if the finder knows the owner of said animal or the person having charge thereof, then, within five days after said animal is taken up, he shall notify the owner of said animal, or the person having charge thereof, which notice shall contain the same information as the notice to be recorded, and hereinbefore provided, describing said animal so taken up, the date when it was taken up, the place where found, and the place where kept, and no charge shall be made for preparing and serving this notice. This notice shall be in lieu of recording a notice for

Notice of animals taken up.

Publication of notice.

which notice he shall be entitled to the sum of fifty cents. (As amended, Stats. 1915, p. 637.)

Person
claiming
animal to
pay costs,
etc.

SEC. 3. At any time within thirty days from the date of the filing of the notice specified in section two of this act, any person claiming such estray animal or animals shall appear and demand from the taker-up the possession thereof, and shall, at the same time, pay the taker-up all damages, expenses and costs incurred by reason of taking up such animal or animals, and upon receiving such damages, expenses and costs, the taker-up shall immediately deliver to the party claiming such animal or animals the possession thereof. Such damages, expenses and costs shall be estimated as follows, to wit:

1. The total amount paid by the taker-up to the county recorder, or county poundkeeper. A reasonable cost for publishing said notice, and a reasonable attorney's fee for preparing the said notice not to exceed two dollars and fifty cents.

2. The sum of not to exceed fifty cents per day for the keeping and care of each horse, mule, jenny, ass, cow, bull, ox, steer, or calf.

3. The sum of not to exceed fifteen cents per day for the keeping and care of each sheep, goat, hog, or other animal not hereinbefore specified; *provided*, that the taker-up of said animal or animals must properly feed and water the same while under his care; and if he fails so to do, shall forfeit all right of lien thereon. (As amended, Stats. 1915, p. 637.)

Action over
costs, etc.

SEC. 4. If the party claiming such estray animal or animals is dissatisfied with the amount charged by the taker-up for costs and expenses, he shall tender to the taker-up the proper amount therefor, and if the said tender be refused, the party claiming such estray animal or animals shall within ten days thereafter commence, in the proper court, suit against the taker-up for the recovery of the possession of such estray animal or animals, in which said action the taker-up may set forth his expenses and costs, and said matter together with accruing expenses and costs to the time of the entry of the judgment, shall be determined by the court in accordance with the provisions of this act, and the amount of all such expenses and costs, and the costs of said action shall be included in any judgment awarded by said court, and such costs in said action shall be in favor of the plaintiff in said action and against said defendant, if the court shall find that the amount tendered by the plaintiff to the defendant was not less than the proper amount; otherwise said costs shall be in favor of the defendant and against the plaintiff. Without the consent of defendant in any such action, no return of such animal or animals shall be adjudged until the plaintiff shall pay to the defendant or deposit in court payable to him, the amount of all such expenses and costs in said action; and in case such payment or deposit be not made within ten days after the same shall have been determined by the court, or said action be not prosecuted with diligence, then the said action may be

dismissed on motion of defendant without notice; in case of such dismissal, the defendant shall have judgment for his costs. In any such action for plaintiff to recover, it shall be incumbent on him to establish an existing right in himself to the possession of such animal or animals. (As amended, Stats. 1915, p. 638.)

SEC. 5. If no person appears and claims the animal or animals taken up within thirty days after the filing of the notice hereinbefore mentioned in section three of this act; or if a person does appear and claims the animal or animals taken up within thirty days after the filing of the notice above referred to, but shall fail to pay to the taker-up the expenses and costs as provided in section three of this act, and shall fail to commence and prosecute with diligence an action for the recovery of the possession of such estray animal or animals within the time required by section four of this act; or if said action shall be dismissed; then the taker-up shall, in writing, notify a constable or other officer of the township or county in which said animal or animals are held, which notice shall specify that he has complied with all the provisions of this act, and that a claimant of said animal or animals has failed to appear and claim the same as herein provided, or if he has appeared that he has failed to pay the expenses and costs and has failed to commence or prosecute with diligence an action for the recovery of the possession of such animal or animals within the time and in the manner provided for in this act, or that said action has been dismissed, and that such animal or animals are held by him subject to sale. Said constable, or officer, shall immediately proceed to sell such animal or animals at public sale, in conformity with the law concerning sales on execution, and shall be entitled to the same fees as are provided by law for sales under execution. (As amended, Stats. 1915, p. 638.)

Sale of
animals not
claimed.

SEC. 6. Out of the money realized from the sale of estrays, the constable or other officer shall first retain his fees; he shall then pay to the taker-up his expenses and costs estimated as provided in section three of this act, or so much thereof as the funds in his hands will permit, and the surplus, if any, he shall pay to the county treasurer to be held by him for the owner of the estray or estrays for which it was received in payment. If any person or persons shall, within one year thereafter, prove to the satisfaction of the board of supervisors of the county in which the estray or estrays were sold, that he or they are entitled to the sum so held by the county treasurer, or any part thereof, the said board of supervisors shall order such sum to be paid over to the person or persons; and if not so proven within one year, then the same shall become a part of the common school fund of said county. (As amended, Stats. 1915, p. 639.)

Disposition
of money
realized.

Title to
animals
sold.

SEC. 7. All sales made by any constable, or other officer, under the provisions of this act, shall convey a good and valid title to the purchaser, and the owner of the estray or estrays so sold shall thereafter be barred from all right to recover the same, except as provided in section six. (As amended, Stats. 1915, p. 639.)

Liability of
taker-up.

SEC. 8. The taker-up of an estray animal or animals shall use reasonable care to preserve the same from injury, but if an estray animal or animals die or escape from the possession of the taker-up at any time while he is holding the same under the provisions of this act, the taker-up shall not be held liable in any manner on account of such animal or animals. (As amended, Stats. 1915, p. 639.)

Cities not
affected.

SEC. 9. Nothing in this act shall affect the laws or regulations in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or town where laws regarding estrays are in force. (As amended, Stats. 1915, p. 639.)

Former acts
not repealed.

SEC. 10. Nothing herein contained shall be held, deemed or construed to repeal an act, entitled "An act concerning lawful fences, and animals trespassing upon premises lawfully enclosed," passed March 30, 1850,¹ nor to repeal an act, entitled "An act concerning lawful fences in the counties of San Bernardino, Colusa, Shasta, Tehama and Placer," approved April 18, 1859,² in so far as the provisions of said acts, and each thereof, apply to or affect the counties of Trinity, Shasta, Del Norte, Siskiyou, Modoc and Lassen, but as to said counties, and each thereof, said acts are hereby expressly continued in force, it being hereby determined that the present conditions prevailing in said counties last named are such as to justify and demand the continued application of said statutes to said counties.³ (As amended, Stats. 1915, p. 639.)

An act relating to estrays, providing for taking them up and giving a lien on them for damages, costs, and expenses incurred by reason of taking them up.

(Approved May 27, 1919; Stats. 1919, p. 1150.)

Estray
domestic
animals may
be taken up.

SECTION 1. Any person finding at any time any estray domestic animal or animals upon his premises, or upon premises to which he has the right of possession, may take up the same and have a lien thereon for all expenses incurred and costs in keeping and caring for said animal or animals, as herein-after provided; and no person shall remove them from the possession of the taker-up, or from the possession of the officer

¹See page 95 hereof. This act evidently applies to Trinity, Del Norte (separated from Klamath 1857), Siskiyou and Modoc (separated from Siskiyou 1874).

²See page 99 hereof. This act evidently applies to Shasta and Lassen (separated from Shasta 1864).

³See *Montezuma Imp. Co. vs. Summerly*, 28 Cal. App. Dec. 418.

to whom they may have been delivered, except as hereinafter provided.

SEC. 2. Whenever the term "premises" is used in this act, "Premises," it shall be construed to mean land entirely enclosed with a good and substantial fence, and none of the provisions of this act shall apply to any unfenced lands. No wire fence shall be deemed a good and substantial fence within the meaning of this act unless the same has three tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod apart, one of which wires shall be at least four feet above the surface of the ground; *provided, however*, that any kind of wire or other fence of height, strength and capacity, equal to or greater than the wire fence herein described shall also be deemed a good and substantial fence within the meaning of this act. Substantial fence defined.

SEC. 3. Any such lien shall be enforced in the manner prescribed by the provisions of sections two to nine inclusive of the act entitled "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays," approved March 23, 1901,* as amended, which sections are incorporated herein and made a part hereof. Enforcement of lien.

SEC. 4. The provisions of this act shall not become operative or effective in any supervisorial district until, at a general election or at a special election called for that purpose by the board of supervisors, the electors of the district shall have declared by a majority vote in favor thereof. The form of the ballot shall be substantially as follows: Election to make act operative.

Shall the provisions of this act become effective?	YES	
	NO	

To vote for making effective the provisions of this act, electors shall stamp a cross in the square opposite the word "Yes" on the ballot. To vote against making effective the provisions of this act, electors shall stamp a cross in the square opposite the word "No." Such an election shall be conducted and the ballots cast thereat, counted, canvassed and returned as in the case of the election of a member of the county board of supervisors.

SEC. 5. Except in such districts as shall hereafter elect to accept the provisions of this act by the method set forth in section four hereof, none of the provisions of any act of this state relative to or affecting estrays shall be repealed, modified or effected hereby. Exceptions.

*See page 105 hereof.

Counties
excepted.

SEC. 6. None of the provisions of the act shall apply to the counties of Del Norte, Lassen, Modoc, Shasta, Siskiyou or Trinity.*

Constitu-
tionality.

SEC. 7. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

DOMESTIC ANIMALS SAVED FROM DROWNING OR STARVATION.

For provisions governing duties and rights of persons saving a domestic animal from drowning or starvation see Civil Code, §§ 1864-1872.

TRESPASS OF ANIMALS.

An act concerning trespassing of animals upon private lands in certain counties in the State of California.†

(Approved March 7, 1878. Amendments approved May 16, 1919.
Stats. 1877-8, p. 176; 1919, p. 524.)

Trespassing
declared
unlawful.

SECTION 1. It is unlawful for any animal, the property of any person, to enter upon any land owned by or lawfully in the possession of any person other than the owner of such animal.

Recovery
of damages.

SEC. 2. The owner of, or person who is in the lawful possession of, any land trespassed upon, in violation of this act, is entitled to recover, by action in a court of competent jurisdic-

*See note to section 10 of the estray law of 1901, page 108 hereof.

† "The act of March 7, 1878 (Stats. 1877-1878, p. 176), 'concerning trespassing animals upon private lands in certain counties,' etc., does not violate section 2, of article I, of the constitution; nor is it unconstitutional because it gives an attachment for a trespass, without an affidavit, nor because it subjects trespassing animals to attachment which are exempt from execution under the general laws."

Wigmore vs. Buell, 122 Cal. 144.

"At the common law, every man was bound to keep his beasts within his own close on penalty of answering in damages for injuries resulting from their being permitted to range or run at large.

"This rule of the common law was abrogated by the Legislature of this state in 1850 (Stats. 1850, pp. 131 and 214), but in 1863 (Stats. 1863, p. 581; amended, Stats. 1871 and 1872, p. 580) the common law rule was restored as to Santa Clara County, and in 1878 (Stats. 1877-1878, p. 176), it was revived in several other counties including Colusa.

"With respect to Santa Clara County and the several counties including Colusa mentioned in the Statutes of 1877-1878, the common law rule upon the subject of trespassing animals still prevails in its entirety. It was not abrogated by the estray law of 1901 (Stats. 1901, p. 603), nor by the general law of 1907 (Stats. 1907, p. 999) restoring in part the common law rule.

"Therefore, an action for damages for trespass by cattle, can be maintained in certain counties in which the common law was revived by the act of 1878 (Stats. 1877-1878, p. 176) irrespective of whether or not the land trespassed upon was enclosed or whether or not it was planted to crops or fruits."

Blevins vs. Mullally, 22 Cal. App. 519.

See, also,

Hicks vs. Butterworth, 30 Cal. App. 562; *Montezuma Imp. Co. vs. Summerly*, 28 Cal. App. Dec. 418.

tion, from the owner of, or person in the possession of, or person chargeable with the care of, the trespassing animal or animals, all damage sustained by reason of such trespass, together with costs of suit.

SEC. 3. For the purpose of allowing the plaintiff a better security for the payment of any judgment he may recover in actions brought under the first two sections of this act, all the provisions of the Code of Civil Procedure of this state relating to attachment process shall apply to such actions, subject only to the modifications herein contained, to wit: Instead of filing the affidavit on attachment required by sections five hundred and thirty-eight and eight hundred and sixty-six of said code, the plaintiff is entitled to the issuance of a writ of attachment against the property of the defendant, upon filing his complaint stating a cause of action, verified according to the law concerning the verification of pleadings.

Suit for damages, how brought.

SEC. 4. No animal is exempt from attachment or execution, levy and sale, to satisfy a judgment that may be rendered against the owner of such animal for trespass committed by such animal.

Summons, how directed.

SEC. 5. When it is not known by the party injured to whom the trespassing animal belongs, then and in that case the trespassing animal or animals shall also be liable for all damage done by such trespass, which liability may be enforced in the following manner: The party injured may bring an action in rem in the district court of the county directly against the trespassing animal or lot of animals trespassing at the same or different times, whether of the same or different marks or brands. The complaint shall describe the defendant animals to a common certainty, and by marks or brands, if marked or branded; and in other respects shall state a cause of action, and shall be verified.

SEC. 6. The summons in an action in rem must be directed to the defendant animal or animals by like description as in the complaint, must be signed by the clerk of the court, issued under its seal, and must contain:

Code of Civil Procedure made applicable.

First—The name of the plaintiff, and a designation of the defendant by like description as in complaint, the court in which the action is brought, and the county in which the complaint is filed.

Second—A general statement of the cause of action.

Third—A direction that an answer in the case must be made to the complaint on file within ten days after a copy of the summons is posted at the courthouse door in said county.

Fourth—A notice that unless the defendant so answers, the plaintiff will apply to the court for the relief demanded in the complaint.

Sheriff to
post copy
of summons.

SEC. 7. Such summons shall be served by the sheriff of the county, by posting a copy thereof at the courthouse door of the county, and the time in which an answer on the part of the defendant animal must be made is any time within ten days after such service by posting as aforesaid, and the effect of such service of summons shall be that all owners of and any person having any interest in any of such defendant animals are to be as conclusively bound by all the proceedings to be had in the case as though all such persons had been made parties to the suit and personally served with summons. Any person interested in any property sued may appear and defend as to such property; *provided*, that the name of any such person so appearing shall be entered as a defendant, and if the plaintiff recover judgment against such property, and the same does not sell for sufficient to pay the same, the unpaid balance may be docketed as a personal judgment against such person so appearing.

Clerk to
enter
default.

SEC. 8. If no answer is filed within ten days after the day on which the summons has been posted, then the clerk of the court shall enter the default of the defendant animals so failing, upon proof being filed of the fact of posting of summons by the return of the sheriff indorsed thereon to that effect.

District
court open
for purpose
of entering
judgment.

SEC. 9. In direct actions against trespassing animals, when the damage claimed is less than fifty dollars and the value of the property sued is less than said sum of fifty dollars, and the complaint in the case is verified, and the defendant makes default, then and in such cases the said district court is always open for the purpose of entering judgment upon such default, though the judge of the court may be absent from the county where the action is pending or presiding in another court in a different county, and upon such verified complaint, return of sheriff, and summons, certificate of entry of default by the clerk, and the depositions of witnesses on the part of plaintiff to be taken before the clerk of the court, after posting notice of taking such depositions two days at the courthouse door, the court shall, upon application of plaintiff, if the court is satisfied that from the proof the plaintiff is entitled to recover, render judgment, within two days after receipt of the papers in the case by the judge, for such amount as may be just, in favor of the plaintiff, and transmit the same to the clerk of the court, who shall enter it in the judgment book of the court, and thereafter the plaintiff may cause an execution to issue upon the same. If the court has any reasonable doubt as to the merits of plaintiff's case, it shall be his duty to order the same to be continued for a hearing to such time as the court may fix, when the same can be tried in regular term, with the witnesses in open court.

Continu-
ance of
case.

SEC. 10. The plaintiff may procure an attachment against the property defendant in an action in rem, under this act, in the same manner as in cases where the owner is sued, and the undertaking on attachment shall inure to the benefit of the

owner of the property defendant if plaintiff fail to recover in the action.

SEC. 11. When the plaintiff recovers in an action against the trespassing animals, the judgment of the court shall fix the amount due the plaintiff for damages and costs, and if any person has appeared for the defendant property, the name of such person, and shall direct that the defendant property be sold according to law and the proceeds thereof applied to the payment of the expenses of such sale, the amount due plaintiff, and the costs in the case, and that any overplus there may be be paid into court.

Court to fix amount of damages.

SEC. 12. Any such overplus so paid into court shall be paid to the party in good conscience entitled thereto, upon an order of court made for that purpose.

Overplus.

SEC. 13. Any person injured by a violation of section one of this act, may, at his option, distrain and take into his possession any trespassing animal or animals and keep the same two days without instituting any legal proceedings under this act, so that he may have proper time in which to make the necessary inquiries as to the ownership of the animals and to determine which remedy given herein he is entitled to; but the owner, or any person having special property in the animal distrained, shall be entitled to the same upon tendering to the distrainer the amount of damage done or an undertaking, with two good and sufficient sureties, in double the amount claimed by the distrainer for damages and cost of keeping, conditioned that he will pay to the distrainer all damages he has sustained by reason of such trespass, together with a reasonable sum for care and feed of the animals while distrained, and costs of suit; and as between the parties tendering and receiving such undertaking, such tender and receipt is conclusive evidence that the party tendering is the owner of the animals distrained and legally chargeable with any damage it may have done to distrainer.

Payment for damages; how made.

SEC. 14. In all other matters than those in which a different rule is herein prescribed the course of procedure prescribed in the Code of Civil Procedure shall prevail in suits brought under this act.

SEC. 15. Whenever any animal is lawfully distrained under section thirteen of this act, then the distrainer shall be entitled to recover reasonable compensation for care and feed of such animal during the time of such lawful distraintment; and in actions brought under the provisions of this act, when the plaintiff recovers, then a reasonable sum for keeping any animal levied upon by attachment process or under execution shall be allowed as costs of suit.

Care and feed of distrained animals.

SEC. 16. This act shall apply to all of that part of the county of San Bernardino, not embraced within the boundaries of the Angeles national forest, and lying south of a line drawn due east and west from the Colorado river to the western boundary line of said county, on the township line

Act made applicable to certain districts.

between townships two and three north, of San Bernardino base line, and shall also apply to Alpine county, and to all that portion of Salmon Falls township, in El Dorado county, lying south of the south fork of the American river, and to the counties of Colusa, and to that portion of Tehama county lying west of the Sacramento river and south of Red Bank creek, and to the counties of Humboldt, Merced, Solano, Santa Barbara, San Joaquin, San Luis Obispo, Sacramento and Los Angeles, and also to the townships of White Oak and Mud Springs, in the county of El Dorado. (As amended, Stats. 1919, p. 524.)

SEC. 17. All acts and parts of acts in so far as the same may conflict with this act, are hereby repealed.

SEC. 18. This act shall take effect from and after its passage.

TRESPASS ON FENCED LANDS.

*An act concerning trespassing of animals upon private lands, and the recovery of damages resulting therefrom.**

(Approved March 23, 1907; Stats. 1907, p. 999.)

Trespass of
animals upon
private lands.

SECTION 1. It is unlawful for any person, firm or corporation owning, or having possession of, any animal, to suffer or permit such animal to break into and enter upon any land owned by, or lawfully in the possession of any person, firm or corporation, other than the owner of such animal, in all cases where such land is planted to growing crops, vines, fruit trees or vegetables, and is at the time entirely enclosed by a substantial fence or other enclosure.

Action for
damages.

SEC. 2. The owner of, or person who is in the lawful possession of, any land trespassed upon, in violation of this act, is entitled to recover, by action in a court of competent jurisdiction, from the owner of, or person in possession of, or person chargeable with the care of, the trespassing animal or animals, all actual damages sustained by reason of such trespass, together with costs of suit.

Security for
payment of
judgment.

SEC. 3. For the purpose of allowing the plaintiff a better security for the payment of any judgment he may recover in actions brought under the first two sections of this act, all the provisions of the Code of Civil Procedure of this state relating to attachment process shall apply to such actions, subject only to the following modifications, to wit: Instead of filing the affidavit on attachment, required by sections five hundred and thirty-eight and eight hundred and sixty-six of said code, the plaintiff is entitled to the issuance of a writ of attachment against the property of defendant, upon filing his complaint stating a cause of action under this act, verified according to the law concerning the verification of pleadings.

*See note to trespass law of 1878, p. 110 hereof.

SEC. 4. No animal is exempt from attachment or execution, levy and sale, to satisfy a judgment that may be rendered against the owner of such animal for trespass committed by such animal. No animal exempt from execution.

SEC. 5. In all other matters than those in which a different rule is herein prescribed the course of procedure prescribed in the Code of Civil Procedure of this state shall prevail in suits brought under this act. Course of procedure.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed; *provided*, nothing in this act shall be deemed or construed to repeal an act of the legislature of this state relating to estrays, approved March 23, 1901. Estray law not affected.

SEC. 7. This act shall take effect and be in force from and after its passage.

An act to prevent trespass upon real estate by live stock.

(Approved May 16, 1919; Stats. 1919, p. 464.)

SECTION 1. It shall be unlawful for any person or persons to herd or graze any live stock upon the lands of another in the counties of Plumas, Lassen and Modoc without having first obtained the consent of the owner or owners of the land so to do; *provided*, that the person claiming to be the owner of said lands has the legal title thereto, or an application to possess the same, with first payment made thereon. Trespass by live stock in Plumas, Lassen and Modoc counties.

SEC. 2. The live stock which is herded or grazed upon the lands of another, contrary to the provisions of the first section of this act, shall be liable for all damages done by said live stock while being unlawfully herded or grazed on the lands of another, as aforesaid, together with costs of suit, and said live stock may be seized and held by a writ of attachment issued in the same manner provided by the general laws of the State of California, as security for the payment of any judgment which may be recovered by the owner or owners of said lands for damages incurred by reason of a violation of any of the provisions of this act, and the claim and lien of a judgment or attachment in such case shall be superior to any claim or demand which arose subsequent to the commencement of this action. Damages.

SEC. 3. This act shall not apply to any live stock running at large on the ranges or commons. Exception.

MISCELLANEOUS.**FRAUDULENT REGISTRATION OF LIVE STOCK.****Penal Code.**

§537a. Every person who by any false or fraudulent pretense obtains from any club, association, society, or company, organized for the purpose of improving the breed of cattle, horses, sheep, swine, or other domestic animals, a certificate of registration of any animal in the herd register, or any other register of any such club, association, society, or company, or a transfer of any such registration, and any person who, for a valuable consideration, gives a false pedigree of any animal, with intent to mislead, is guilty of a misdemeanor. (As amended, Stats. 1905, p. 685.)

RECORD OF LIVE STOCK SALES AT AUCTION.**Political Code.**

§3305. Every auctioneer who sells any animal of the horse kind, or any mules, must keep a book, in which he must register the name of each and every person bringing or offering any horse or mule to be sold, and the name of the person purchasing such horse or mule; together with the date of such sale, and a description of each horse, or mule sold, together with the marks and brands. The book is a public record, subject to the inspection of any person desiring to inspect the same.

LIEN FOR CARE OF LIVE STOCK.**Civil Code.**

§3051. Every person who, while lawfully in possession of an article of personal property renders any service to the owner thereof, by labor or skill, employed for the protection, improvement, safekeeping, or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner for such service; a person who makes, alters, or repairs any article of personal property, at the request of the owner, or legal possessor of the property, has a lien on the same for his reasonable charges for the balance due for such work done and materials furnished, and may retain possession of the same until the charges are paid; and livery or boarding or feed stable proprietors, and persons pasturing horses or stock, have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, or pasturing such horses or stock; * * * and veterinary proprietors and veterinary surgeons shall have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, and medical treatment of animals; * * *. (As amended, Stats. 1911, p. 887.)

TAMPERING WITH ANIMALS ON EXHIBITION.

An act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other live stock, except for medicinal purposes, and making the same a misdemeanor.

(Approved March 23, 1901; Stats. 1901, p. 553.)

SECTION 1. It shall be unlawful for any person or persons, except for medicinal purposes, to administer any poison, drug, medicine, or other noxious substance, to any horse, stud, mule, ass, mare, horned cattle, neat cattle, gelding, colt, filly, dog, animals, or other live stock, entered or about to be entered in any race or upon any race course in the State of California, or entered or about to be entered at or with any agricultural park, or association, race course, or corporation, or other exhibition for competition for prize, reward, purse, premium, stake, sweepstakes, or other reward, or to expose any such poison, drug, medicine, or noxious substance, with intent that the same shall be taken, inhaled, swallowed, or otherwise received by any horse, stud, mule, ass, mare, horned cattle, neat cattle, gelding, colt, filly, dog, animal, or other live stock with intent to impede or affect the speed, endurance, sense, health, physical condition, or other character or quality of such above mentioned animal, or other live stock.

Unlawful to tamper with animals on exhibition, etc.

SEC. 2. It shall be unlawful for any person or persons to cause to be taken by or placed upon or in the body of any horse, stud, mule, ass, mare, horned cattle, neat cattle, gelding, colt, filly, dog, animal, or other live stock entered or about to be entered in any race upon any race course in the State of California, or entered or about to be entered at or with any agricultural park, association, race course or corporation, or other exhibition for competition for prize, reward, purse, premium, stake, sweepstakes, or other reward, any sponge, wood, or foreign substance of any kind, with intent to impede or affect the speed, endurance, sense, health, physical condition, of such horse, stud, mule, ass, mare, horned cattle, neat cattle, gelding, colt, filly, dog, animal, or other live stock.

SEC. 3. Any person or persons who shall violate any of the provisions of sections one or two of this act shall be guilty of a misdemeanor. Penalty.

SEC. 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed. Repeal.

SEC. 5. This act shall take effect immediately.

COMMERCIAL FEEDING STUFFS.

An act to define commercial feeding stuffs and to establish a standard therefor, providing for the branding and labeling of same, empowering the state board of health to enforce the provisions of the act and providing penalties for the violation of same.

(Approved May 16, 1919 ; Stats. 1919, p. 551.)

"Commercial feeding stuffs" defined. Exceptions.

SECTION 1. The term "commercial feeding stuffs" shall be held to include all feeding stuffs used for feeding live stock and poultry, except the following:

(a) Whole seeds or grains.

(b) The unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir, milo and light rice; *provided*, that light rice shall be labeled "light rice" when ground.

(c) Whole hays, straws, cottonseed hulls and corn stover, when unmixed with other materials.

(d) All other materials containing sixty per centum or more of water.

Standards.

SEC. 2. The standards for commercial feedings stuffs shall be the latest revision of the definitions of feeding stuffs adopted by the association of feed control officials of the United States.

Label for parcels.

SEC. 3. Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this state shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying:

Contents of label.

(a) The net weight of the contents of the package, lot or parcel;

(b) The name, brand or trade-mark;

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market;

(d) The minimum per centum of crude protein;

(e) The minimum per centum of crude fat;

(f) The maximum per centum of crude fiber;

(g) The maximum per centum of ash;

(h) The specific name of each ingredient used in its manufacture.

(i) The per centum of such ingredients as corn cobs, corn bran, oat hulls, barley hulls, rice hulls, ground light rice, alfalfa meal or similar materials, when such constitute a portion of the package, lot or parcel.

(j) In the case of poultry feeds, the per centum of grit or mineral matter they contain.

The crude protein, crude fat, crude fiber and ash shall be determined by the methods in force at the time by the association of official agricultural chemists of North America.

SEC. 4. The state board of health and its agents and inspectors shall have free access to all places of business, mills, buildings, carriages, cars, vessels and parcels of whatsoever kind used in the manufacture, transportation, importation, sale or storage of any commercial feeding stuffs, and shall have the power and authority to open any parcel containing or supposed to contain any commercial feeding stuffs, and upon tender and full payment of the selling price of said sample, to take therefrom samples for analysis. The methods of analysis shall be those in force at the time by the association of official agricultural chemists of North America.

Inspection
by state
board of
health.

SEC. 5. Commercial feeding stuffs shall be deemed adulterated if they do not conform to the analysis declared on the label or tag.

Adulterated.

SEC. 6. Commercial feeding stuffs shall be deemed mislabeled if they are not labeled or tagged in accordance with the provisions of section three of this act.

Mislabeled.

SEC. 7. If it appears that any of the provisions of this act has been violated, the state board of health shall certify the facts to the proper prosecuting attorney and furnish that officer with a copy of the result of the analysis or other examination of such feeding stuffs duly authenticated by the analyst or other officer making the determination, under the oath of such officer; *provided*, that it shall appear from any such examination that any of the provisions of this act has been violated the state board of health shall cause notice to be given to the manufacturer or dealer from whom said sample was taken; any party so notified shall be given an opportunity to be heard in his defense under such rules and regulations as may be prescribed by the state board of health before the facts shall be certified to the proper prosecuting attorney. In all prosecutions arising under the provisions of this act, certificates of the analyst or other officer making the examination or analysis, when duly sworn to by such officer, shall be prima facie evidence of the fact or facts therein certified.

Prosecution
for violation
of act.

SEC. 8. Any manufacturer, importer, jobber, firm, association, corporation or person who shall sell, offer or expose for sale, or distribute in this state, any commercial feeding stuffs without having attached thereto or furnished therewith such labels or tags as required by the provisions of this act, or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent said state board of health or its authorized agent in the performance of its duty in connection with the provisions of this act, or who shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs as defined in section one, without complying with the requirements of the provisions of this act, or who shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs which contains a smaller per centum of crude protein or crude fat or a larger per centum of crude fiber or ash than is certified to be contained therein, or who shall fail to properly state the specific name of each and every ingredient used in its manu-

Penalties.

facture or who shall fail to properly state the per centum of such ingredients as corn cobs, corn bran, oat hulls, barley hulls, rice hulls, ground light rice, alfalfa meal or similar materials, when such constitute a portion of the package, lot or parcel, or the per centum of grit or mineral matter in poultry feeds shall be deemed guilty of a violation of the provisions of this act and upon conviction thereof shall be fined not more than one hundred dollars for the first violation and not less than one hundred dollars for each subsequent violation. Any manufacturer, jobber, importer, firm, association, corporation or person who shall mix or adulterate any feeding stuffs with any substance or substances injurious to the health of live stock or poultry shall be deemed guilty of a violation of the provisions of this act, and in addition to the penalty provided in this section, the lot of feeding stuffs shall be subject to seizure, condemnation and sale as the court may direct. The court may in its discretion release the feeding stuffs so seized when the requirements of the provisions of this act have been complied with, and upon payment of all costs and expenses incurred by the state in any proceedings connected with such seizure. One-half of all fines, and the proceeds from condemned foodstuffs collected by any court or judge for the violations of the provisions of this act shall be paid to the state treasurer, and the state treasurer shall deposit such money to the credit of the fund for the maintenance of the state laboratory, to be drawn against by warrants of the state controller upon claims which shall be approved by the state board of health and the state board of control. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party, residing in the United States, from whom he purchased such commercial feeding stuffs to the effect that the same are not adulterated, mislabeled or misbranded within the meaning of this act, and can also establish by satisfactory evidence that the commercial feeding stuffs sold, offered or exposed for sale or distributed in this state were mislabeled or did not conform to the analysis declared on the label or tag affixed thereto, and that at the time of selling, offering or exposing for sale or distributing in this state such commercial feeding stuffs the dealer was not aware of that fact; such guaranty may be either general or special. A general guaranty shall guarantee without condition or restriction all of the commercial feeding stuffs purchased, prepared, compounded, packed, distributed or sold by the guarantor as not mislabeled or adulterated within the meaning of this act. A special guaranty shall guarantee in the same manner the particular commercial feeding stuffs listed in an invoice of the same and shall be attached to or shall fully identify such invoice. Both said guaranties to afford protection must contain the name and address of the party or parties making the sales of such commercial feeding stuffs to said

One-half of
fines paid
to state
treasurer.

Guaranty
of
wholesaler.

General
guaranty.

Special
guaranty.

dealer. If the guaranty be to the effect that such commercial feeding stuffs are not adulterated, mislabeled or misbranded within the meaning of the national pure food act, approved June 30, 1906, it shall be sufficient for the purposes of this act and have the same force and effect as though it referred to this act, except that a guaranty referring to the said national pure food act alone shall not be sufficient for the purposes of this act in any case where at any time the standard for the commercial feeding stuffs concerned under this act is higher than the standard for like commercial feeding stuffs under said national pure food act. In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state and it appears from the certificate of the director of the state laboratory that such commercial feeding stuffs were adulterated, mislabeled or misbranded, within the meaning of this act or the national pure food act approved June 30, 1906, the district attorney must forthwith notify the attorney general of the United States of such violation.

When state
standard is
higher than
national.

SEC. 9. The state board of health is hereby empowered to enforce the provisions of this act and to prescribe the form of tags, or labels to be used, and to prescribe and enforce such rules and regulations relating to the sale of commercial feeding stuffs as it may deem necessary to carry into effect the full intent and meaning of this act.

Enforcement.

SEC. 10. This act shall take effect on the first day of November, 1919

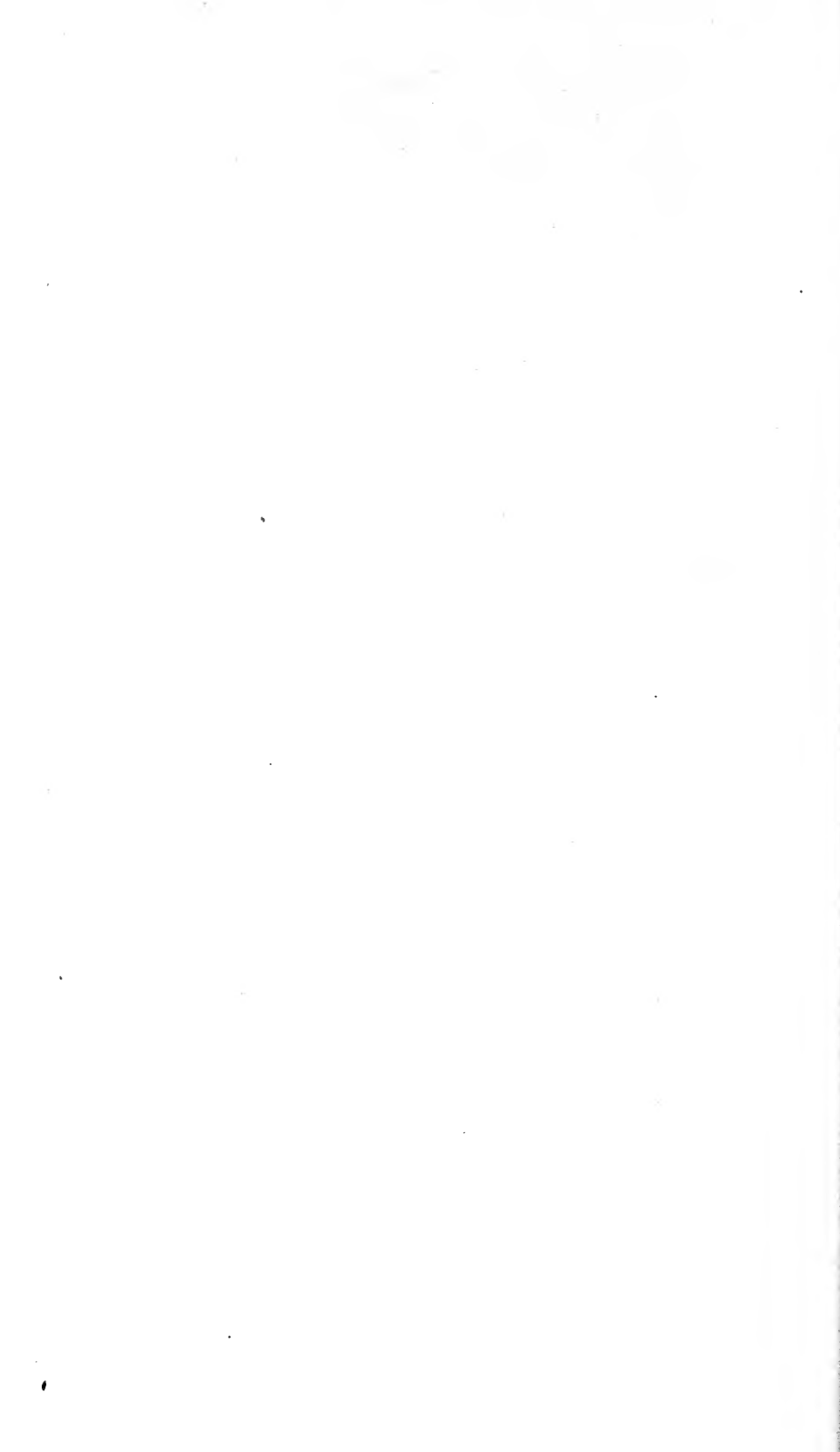
In effect
when.

SEC. 11. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Repealed.

EXAMINATION OF VETERINARIANS.

For the act regulating the licensing of practitioners of veterinary medicine by the state board of examiners in veterinary medicine, see Stats. 1907, p. 919; Stats. 1913, p. 572.



INDEX.

	PAGE
ADULTERATION.	
commercial feeding stuffs.....	119
dairy products, unlawful to sell adulterated.....	42
defined	43
imitation milk	55
AGRICULTURE, DEPARTMENT OF.	
animal industry, division of.....	7
attorney general legal adviser.....	9
boards superseded by.....	9
director.	
appointment, salary, bond.....	7
appointments by	7
money on hand, authority to spend.....	10
powers and duties.....	8
report to governor.....	9
divisions established	7
laws to be enforced by.....	10
traveling expenses	8
ANIMAL INDUSTRY, DIVISION OF.	
duties transferred.	
cattle protection board (Note).....	68
dairy bureau, state (Note).....	32
stallion registration board (Note).....	77
veterinarian, state (Note).....	11
organization of	7
ANIMALS. <i>See, also, DISEASES OF ANIMALS.</i>	
borrowed, treatment of. C. C., Sec. 1887.....	89
corralling on borders of stream, etc., prohibited. Pen. C., Sec. 374.....	26
cruelty to	85, 94
dead.	
burial	26
cremation	26
streets, etc., leaving in. Pen. C., Sec. 374.....	26
diseased.	
disposition of	26
report to state veterinarian. Pen. C., Sec. 402e.....	27
sale of. Pen. C., Sec. 402.....	27
separate enclosure for. Pen. C., Sec. 402d.....	27
drowning, care of animal saved from.....	110
imported.	
certificate of health.....	14
exemptions from regulation.....	15
penalty for violating regulations.....	16
quarantine against	15
injuries, liability for. C. C., Secs. 3340-3341.....	90
killing for entering unenclosed land; damages.....	96
railroad, permitting to graze along; penalty. Pen. C., Sec. 369e.....	85, 104
starvation, care of animal saved from.....	110
tampering with	117
transportation, care during. Pen. C., Sec. 369b.....	85
ANTHRAX.	
report of infected animals. Pen. C., Sec. 402e.....	27
APHTHOUS FEVER.	
report of infected animals. Pen. C., Sec. 402e.....	27
AUCTION.	
record of sale of horses and mules. Pol. C., Sec. 3305.....	116
BABCOCK TEST.	
standard glassware to be used.....	40
fee for testing glassware, etc., by state department of agriculture.....	40
BACTERIA.	
number of, permissible in milk.....	60, 61
BAKERIES.	
imitation milk, display of sign where served.....	55
oleomargarine, use of.....	35
BLACKLEG.	
report of infected animals. Pen. C., Sec. 402e.....	27
BOARDING HOUSES.	
dairy products law, subject to.....	50

	PAGE
BOAR.	
running at large; penalty. Pen. C., Sec. 597g	88
BOOPHILUS ANNULATUS TICK.	
extermination of	16
BORAX.	
use of, prohibited	47
BOTTLES.	
sterilization	29, 30
BRANDS.	
auctioneer's record. Pol. C., Sec. 3305	116
cattle.	
fee for recording	69
inspection	72, 73
protection	69
changing or defacing. Pen. C., Secs. 357, 357½	76
counterbrand on sale of animals. Pol. C., Sec. 3182	75
fraudulent, report of. Pol. C., Sec. 3184	75
perpetuation of	75
time of branding. Pol. C., Sec. 3172	74
transcripts to adjoining counties. Pol. C., Sec. 3169	74
unrecorded, use of; penalty. Pol. C., Sec. 3183	75
written descriptive bill of sale. Pol. C., Sec. 3182	75
BRISTLE BUR.	
use of unlawful	90
BULLS.	
fighting for amusement prohibited. Pen. C., Sec. 597b	86
importation	14
public service.	
county license. Pol. C., Sec. 3385	84
lien for. C. C., Secs. 3062-3064	83, 84
running at large; penalty. Pen. C., Sec. 597g	88
BUR.	
use of unlawful	90
BUTCHER.	
record of meat purchased	71
BUTTER.	
certified, act regulating	64
defined	44
imitation.	
labeling of	34
possession of, when unlawful	36
records necessary by those handling	38
sale of prohibited, when	33
sample seized for analysis	36
imported.	
defined	57
marking of	57
penalty for violation of act	57
sign in places selling	57
milk from reacting cows, when permitted	58
pasteurized.	
misrepresentation unlawful	31
reacting cows, product of milk from	58
renovated.	
defined	36
license for sale of	36
packages to be labeled	36
possession of, when unlawful	36
records necessary by those handling	38
sale of, by pound	31
unclean, sale prohibited	28
wrappers, correct designation on	32
BUTTER FAT.	
defined	44
tests, false reports; penalty	39
BUTTERINE. <i>See, also</i> , OLEOMARGARINE.	
use of word unlawful, when	35
BUTTERMILK.	
defined	44
pasteurized, misrepresentation unlawful	31
CANS.	
sterilization of	29

CARCASS.	PAGE
leaving in streets, rivers, etc. Pen. C., Sec. 374-----	26
CATTLE.	
boophilus annulatus tick, extermination of-----	16
brands, record of-----	69
dairy.	
annual report of number-----	32
care of approved by inspecting department-----	60
diseased, sale of milk from, prohibited-----	28
tuberculin test -----	58, 60, 62
dipping for tick-----	16
importation -----	14
range, driving off; penalty-----	73
registered pure bred cattle not subject to brand act-----	70
sale of range cattle-----	70
shipment, inspection of brands before-----	73
slaughtering, inspection before-----	72
transportation, care during. Pen. C., Sec. 369b-----	85
CATTLE PROTECTION BOARD. See Note, page 68.	
powers, duties, etc.-----	68
powers transferred to department of agriculture-----	9
CERTIFIED MILK AND MILK PRODUCTS.	
regulation of -----	64
CHARITABLE INSTITUTIONS.	
imitation butter, etc., use of prohibited in-----	33, 36
CHEESE.	
branding -----	49
certified, act regulating-----	64
defined -----	44
factories.	
annual report -----	32
registration of -----	31
grades -----	49
imitation.	
defined -----	33
labeling of -----	34
possession of, when unlawful-----	33
records necessary by those handling-----	35
sample seized for analysis-----	36
pasteurized.	
misrepresentation unlawful -----	31
reacting cows, product of milk from-----	58
sale of, unlawful unless branded-----	49
milk from non-tuberculin tested cows permitted in manufacture of-----	58
CHEMICALS.	
use of, to prevent souring, prohibited-----	58
COLD STORAGE COMPANIES.	
license and records for handling oleomargarine, etc.-----	38
COLORING MATTER.	
butter and cheese, use of permitted in manufacture-----	33, 48
oleomargarine, use of prohibited in manufacture of-----	37
milk, cream, etc., use of prohibited in-----	48
COMMERCIAL FEEDING STUFFS.	
defined, standards, etc.-----	118
CONDENSED MILK. See MILK, Condensed.	
CONTAINERS.	
sterile, to be used in delivery of milk-----	60
COUNTERBRANDS. See BRANDS.	
COUNTY.	
clerk.	
docked horses, registration of. Pen. C., Sec. 597b-----	86
humane officers, record of. C. C., Sec. 607f-----	91
license of animals used for propagation. Pol. C., Sec. 3385-----	84
live stock inspectors in. Pol. C., Secs. 4056a, 4149, 4149a-----	27
milk commissions -----	64
milk inspection service-----	61
nonresident's herding license-----	93
recorder.	
marks and brands, record of. Pol. C., Secs. 3168, 3169-----	74
perpetuation of marks and brands-----	75
sheep herding, restriction on license tax-----	94
COWS. See CATTLE, Dairy.	

	PAGE
CREAM	
certified, act regulating	64
coloring matter or gelatin prohibited in	48
defined	43
evaporated, defined	43
gallon measure for	31
milk from reacting cows, when permitted	58
pasteurized, sale of	58
testing of	40
unclean, sale prohibited	28
CREAMERIES	
annual report	32
registration of	31
unsanitary, defined	30
use of word unlawful, when	35
utensils used in, must be sterilized	30
CRUELTY TO ANIMALS	
borrowed animal, treatment of. C. C., Sec. 1887	89
bur, use unlawful	90
complaints for violating law. C. C., Sec. 607b	91
docking tails of horses; penalty. Pen. C., Secs. 597a-597c	86
fighting, training for. Pen. C., Sec. 597c	87
fighting for amusement prohibited. Pen. C., Sec. 597b	86
food, depriving of; penalty. Pen. C., Sec. 597	85
game laws not affected. Pen. C., Sec. 599c	89
humane officers. C. C., Sec. 607f	91
neglect; penalty. Pen. C., Sec. 597f	88
overloading; penalty. Pen. C., Sec. 597	85
overworking; penalty. Pen. C., Sec. 597	85
pound, feeding in. Pen. C., Sec. 597e	87
prosecution for violating laws. Pen. C., Sec. 599a	88
shelter, depriving of; penalty. Pen. C., Sec. 597	85
societies for prevention. C. C., Secs. 607-607f	91
unfit for work, killing when. Pen. C., Sec. 599e	89
DAIRIES	
annual report	32
diseases among cattle, report of	51
registration of	31
score card	63
scoring of, for grade A milk	60
unsanitary defined	29
use of word unlawful, when	35
DAIRY BUREAU, STATE. See Note, page 32.	
cheese brands, furnished by	49
dairy products, enforcement of act regarding	51
diseases among cattle, report of	52
employees, appointment and qualification of	52
imitation milk act, enforcement of	56
inspection of dairies	51
milk inspection service approved by	59
oleomargarine.	
license for sale of	36, 37
record of sales	38
samples delivered, when	36
pasteurization thermometers, subject to approval of	44
powers transferred to department of agriculture	9
pure milk law, enforcement of	62
registration of dairies	31
rules and regulations, authorized to make	62
statistics blanks for dairies furnished by	32
statistics compiled by	51
unsanitary conditions, complaint by	51
weights and measures, examined by	40
DAIRY PRODUCTS	
adulterated, sale or serving of, unlawful	42
imitation, records required of those handling	38
pasteurized, misrepresentation unlawful	31
DAIRY SCORE CARD	63
DAIRY STATISTICS	
annual report of	32
dairy bureau, state, authorized to compile	51
DAIRYMEN	
wearing apparel, cleanliness of	30

DEAD ANIMALS. *See* ANIMALS, Dead.

DISEASES OF ANIMALS.

PAGE

boophilus annulatus tick, extermination of	16
dairy cattle, report of	52
imported animals; certificate of health	14
inspection	12
quarantine against	12, 13, 15
rabies, control of	20
reportable diseases. Pen. C., Sec. 402e	27
tick, extermination of	16

DOGS.

fighting for amusement prohibited. Pen. C., Sec. 597b	86
killing for injuring sheep, etc. C. C., Sec. 3341	90
license tax for rabies control	21
rabies, control of	20
sheep, injuries to; liability for. C. C., Sec. 3341	90

DRUGS.

animals on exhibition, giving to	117
----------------------------------	-----

EARMARKS. *See, also*, BRANDS.

certain marks prohibited. Pol. C., Sec. 3171	74
--	----

ESTRAYS.

costs for care of	106
lien for care of	105, 109
local laws; Note	95
local option estray law	108
sale of unclaimed animals	107
taking up	105

EVAPORATED MILK. *See* MILK, Evaporated.

FACTORIES, DAIRY.

unsanitary, defined	30
---------------------	----

FARCY.

disposition of animals dying from	26
killing of infected animals. Pen. C., Sec. 402b	27
sale of animal infected with. Pen. C., Sec. 402	27

FAT. *See* BUTTER FAT.

FEEDING STUFFS.

defined, standards, etc.	118
--------------------------	-----

FEES.

Babcock glassware, testing of	40
brands, recording	69, 74
butter, imitation, etc., license to sell	37
butter fat, license for receiving milk on basis of	39
disposition of, by state dairy bureau	38, 40
imitation milk license	55
meat inspection	66
milk tester's license	39
nonresident's herding license	93
oleomargarine license	37
sheep herding, license for	94
slaughterhouse.	
inspection	66
license of	70
stallion registration	82

FENCES.

brush fences described	97, 102
destroying, etc.; penalty. Pen. C., Sec. 602 (8)	103
ditch and pole fence described	96
ditch fence described	97, 99, 102
gate, penalty for leaving open. Pen. C., Sec. 602 (8)	103
hedge fences described	97, 102
lawful; defined	95, 96, 99, 101, 109
local laws; Note	95
paling fence described	97
partition.	
construction, cost of	97, 100, 102
location on line	98, 100
maintenance	98, 100, 102, 103
picket fence described	96, 99, 102
pole fence described	96, 102
post and rail fence described	96, 97, 99
post and slat fence described	97, 102
railroads to maintain along track. C. C., Sec. 485	104
stone fence described	99, 101
wire fence described	96, 102, 109
worm fence described	97, 102

FRUIT ICE CREAM.	PAGE
defined -----	44
GATES.	
fences, penalty for leaving open along railroad. Pen. C., Sec. 369d-----	104
GELATIN.	
use of in milk, etc., prohibited-----	47
GLANDERS.	
disposition of animals dying from-----	26
killing of infected animal. Pen. C., Sec. 402b-----	27
report of infected animals. Pen. C., Sec. 402e-----	27
sale of infected animal. Pen. C., Sec. 402-----	27
GOATS.	
branding, time of. Pol. C., Sec. 3172-----	74
• buck goat running at large; penalty. Pen. C., Sec. 597g-----	88
killing, etc., by dog; liability for. C. C., Sec. 3341-----	90
GRAZING.	
nonresident's license-----	93
owner's consent required in certain counties-----	115
railroad tracks, along; penalty. Pen. C., Sec. 369e-----	85, 104
HEALTH, STATE BOARD OF.	
commercial feeding stuffs, regulation of-----	118
dairies, etc., inspection-----	50
pasteurization thermometers subject to approval of-----	44
pure milk law, aid in enforcement-----	62
rabies, control of-----	20
HERDING.	
nonresident's license-----	93
owner's consent required in certain counties-----	115
sheep; limitation on license tax-----	94
HIDES.	
retention of-----	72
shipments, certificate before-----	72
HOGS.	
branding, time of. Pol. C., Sec. 3172-----	74
cholera.	
report of. Pen. C., Sec. 402e-----	27
serum, distribution of-----	23, 24
swine plague, report of. Pen. C., Sec. 402e-----	27
transportation, care during. Pen. C., Sec. 369b-----	85
HORSES.	
auction, record of. Pol. C., Sec. 3305-----	116
branding, time of. Pol. C., Sec. 3172-----	74
breeding, encouragement and information-----	83
bur, use of unlawful-----	90
docked.	
imported animals. Pen. C., Sec. 597d-----	87
importation-----	14
penalty for docking tails. Pen. C., Sec. 599d-----	89
registration. Pen. C., Sec. 597b-----	86
unregistered; penalty for having. Pen. C., Secs. 597a, 597c-----	86
HOSPITALS.	
imitation butter, use of prohibited-----	33
HOTELS.	
adulterated dairy products in-----	43, 50
imitation butter, use of prohibited-----	33
imitation milk, display of sign where served-----	55
milk may be sold by, how-----	31
oleomargarine, use of-----	34, 35
HUMANE OFFICERS.	
appointment, powers, etc. C. C., Sec. 607f-----	91
HUNTING.	
enclosure, entering without owner's permission. Pen. C., Sec. 602 (9)-----	104
wounding animal belonging to another. Pen. C., Sec. 384c-----	85
ICE CREAM.	
certified, act regulating-----	64
defined-----	44
manufacturer.	
annual report of-----	32
registration of-----	31
milk from reacting cows, when may be used-----	58
milk product-----	58
pasteurized, misrepresentation unlawful-----	31
sale of, misrepresentation unlawful-----	48

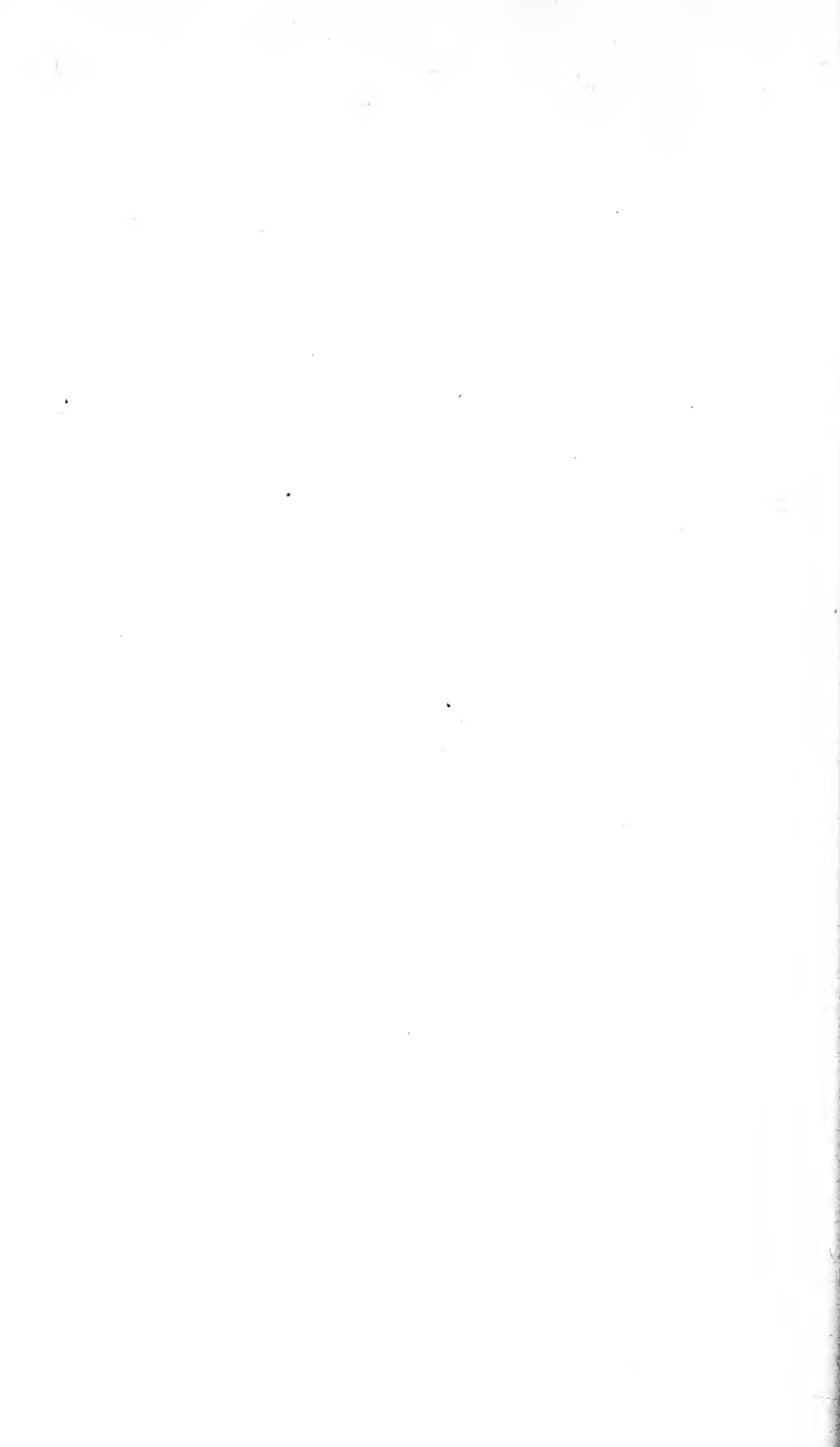
ICE MILK.	PAGE
defined.....	44
purchaser of, must be informed.....	48
receptacles for, must be labeled.....	48
sale or service of, conditions.....	47
signs to be posted by sellers of.....	48
IMITATION MILK. <i>See</i> MILK, Imitation.	
IMPORTED ANIMALS. <i>See</i> ANIMALS, Imported.	
IMPORTED BUTTER. <i>See</i> BUTTER, Imported.	
INSPECTORS OF DIPPING SHEEP.	
employment; appropriation.....	20
INSTITUTIONS, CHARITABLE AND PENAL.	
butter and cheese used in.....	36
JACKS. <i>See, also</i> , MULES.	
diseases of.....	77, 78
enrollment.....	78
license certificate.	
crossbred.....	80
display of.....	78
false or erroneous, investigation.....	82
fee for.....	82
grade.....	80
mongrel.....	81
nonstandard bred.....	81
purebred.....	79
license for public service.....	77
pedigree, certificate of registry.....	78
public service.	
county license. Pol. C., Sec. 3385.....	84
enclosure in cities. Pen. C., Sec. 597g.....	88
lien for. C. C., Secs. 3062-3064.....	83, 84
LABELS.	
assembled dairy products.....	46
butter, imported.....	57
butter, name of producer on.....	32
commercial feeding stuffs.....	118
dairy products, conformity with provisions.....	43
erasing of, unlawful.....	35
ice milk.....	48
imitation milk.....	54
milk grades.....	59
oleomargarine.....	34
skimmed milk.....	45
LARD EXTRACTS. <i>See</i> OLEOMARGARINE.	
LICENSE.	
butter fat, receiving milk, etc., on basis of.....	39
butter, imitation, etc., manufacture and sale.....	37
fees, disposition of.....	38
hog serum, preparation of.....	24
imitation milk.....	55
milk tester.....	39
oleomargarine, sale of.....	36, 37
slaughtering cattle.....	70
LIENS.	
animal, abandoned, care of. Pen. C., Sec. 597f.....	88
care of stock in transit. Pen. C., Sec. 369b.....	85
cattle, expenses of dipping for tick.....	17
estrays, care of.....	105, 109
pasturing stock. C. C., Sec. 3051.....	116
sheep, expenses of dipping for scabies.....	19
sick animal, care of. Pen. C., Sec. 597f.....	85
stable proprietor. C. C., Sec. 3051.....	116
stallion, jack, etc., public service. C. C., Secs. 3062-3064.....	83
team taken up for unnecessary suffering, care of. Pen. C., Sec. 597a.....	85
veterinarian. C. C., Sec. 3051.....	116
LIVE STOCK. <i>See</i> ANIMALS, names of particular animals.	
fraudulent registration. Pen. C., Sec. 537a.....	116
nonresident's herding license.....	93
imported, inspection of.....	14
LIVE STOCK, INSPECTORS OF.	
appointment, etc. Pol. C., Secs. 4056, 4149, 4149a.....	27
MARKS. <i>See</i> BRANDS.	
MEASURES. <i>See</i> WEIGHTS AND MEASURES.	

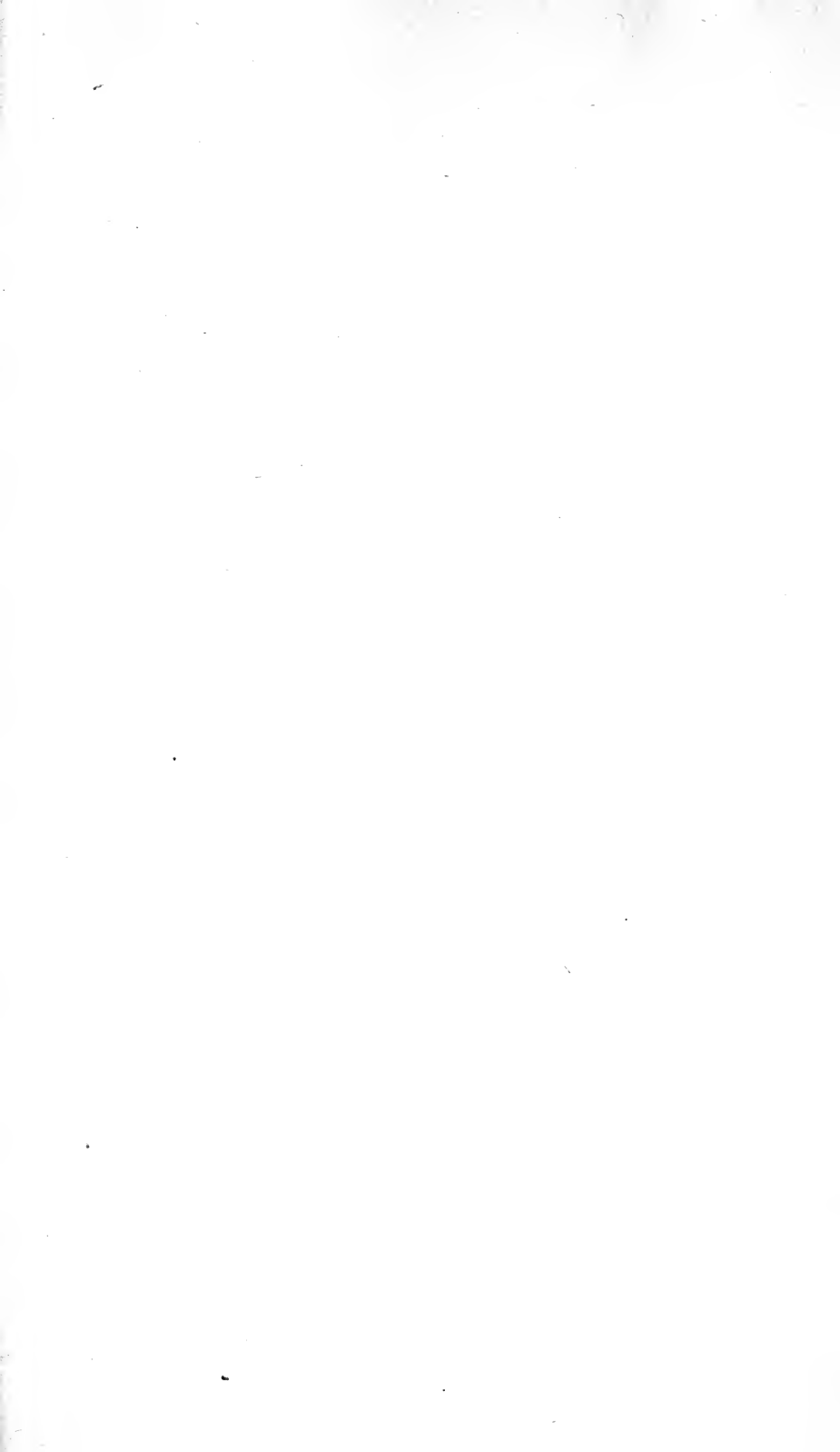
MEATS.	PAGE
inspection at slaughterhouse-----	65
MILK.	
adulterated.	
defined-----	43
sale of unlawful-----	42
bottles, must be sterilized-----	31
certified.	
act regulating-----	64
certificate of milk commission-----	64
director to enforce act-----	10
marking of-----	64
sale of, when unlawful-----	64
coloring matter or gelatin in, prohibited-----	47
condensed.	
adulterated, sale of unlawful-----	42
coloring matter or gelatin prohibited in-----	47
defined-----	43
condensaries.	
annual report of-----	32
standard of purity-----	53
cooling of, after milking-----	30
disposition of, when not fit for human consumption-----	61
evaporated. <i>See</i> MILK, Condensed.	
gallon measures for-----	31
grade A.	
defined-----	60
misrepresentation unlawful-----	59
grade B.	
defined-----	61
misrepresentation unlawful-----	59
guaranteed-----	60
imitation.	
adulterated, when deemed-----	55
defined-----	53
labeling of-----	54
license for handling-----	55
manufacture and sale-----	54
impure.	
defined-----	59
sale of, act to prevent-----	58
inspection service-----	59, 61
pasteurized.	
misrepresentation unlawful-----	31
process defined-----	44
unlawful to sell unless-----	58
product of.	
defined-----	42
sale of-----	43
sale of.	
hotels and restaurants-----	31
measure for-----	31
procedure when not operating under inspection department-----	62
wholesale, pasteurization unnecessary-----	58
samples of, must be in duplicate-----	51
skimmed.	
cheese manufactured from, permitted-----	33
defined-----	43
labeling of-----	45
tuberculin testing of cows-----	58, 60, 62
unclean, sale prohibited-----	28
unfit for human consumption, to be marked-----	59, 61
uninspected, unlawful to sell-----	59
MILK HOUSE.	
sanitary, defined-----	29
utensils must be sterilized-----	30
MILK WAGONS.	
owner's name and address to be printed on-----	47
MULES. <i>See, also</i>, JACKS.	
auction, record of. Pol. C., Sec. 3305-----	116
branding, time of. Pol. C., Sec. 3172-----	74
importation-----	14
MYCOTIC LYMPHANGITIS.	
report of infected animals. Pen. C., Sec. 402e-----	27

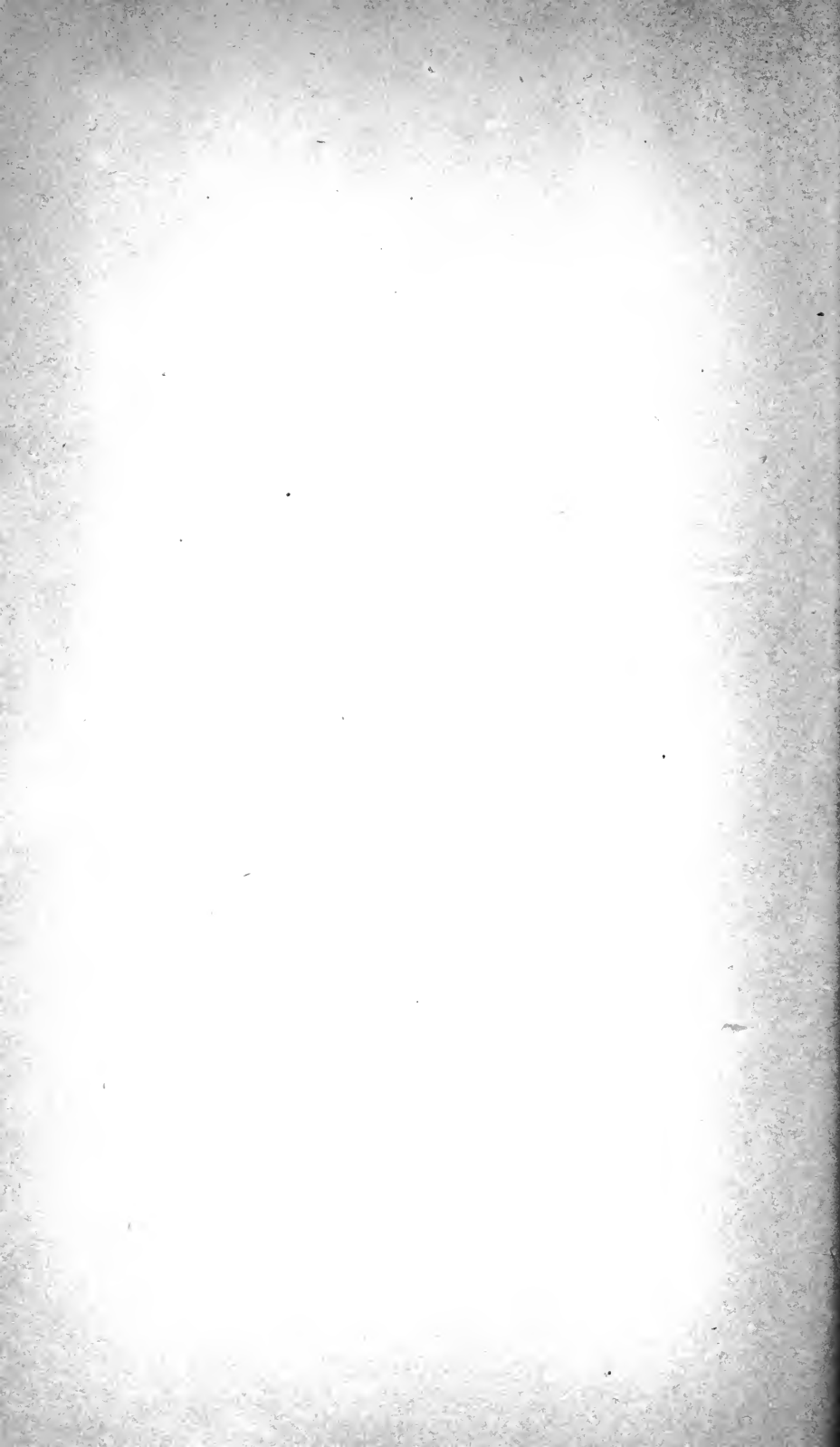
NUT ICE CREAM.	PAGE
defined -----	44
OFFAL.	
leaving in streets, rivers, etc. Pen. C., Sec. 374-----	26
OLEOMARGARINE.	
colored, sale prohibited-----	33
cow, representation on package unlawful-----	35
labeling of -----	34
license necessary for sale of-----	36, 37
packages of, how marked-----	34, 36
possession of.	
knowledge of, when unmarked-----	35
unlawful, when -----	36
records of sale.	
form of, etc.-----	38
inspection of, unlawful to interfere with-----	50
sale of, conditions covering-----	35
sample seized for analysis, when-----	36
serving of, in public places-----	35
shipping of -----	34
OVERLOADING ANIMAL.	
penalty. Pen. C., Sec. 597-----	85
OVERWORKING ANIMAL.	
penalty. Pen. C., Sec. 597-----	85
PAILS.	
sterilized whenever used-----	30
PARTURITION.	
milk not to be sold before or after-----	29
PASTEURIZATION.	
apparatus must be clean-----	44
milk from tubercular cows-----	58
process of, defined-----	44
records, preservation of-----	32, 44
PENAL INSTITUTIONS.	
imitation butter, etc., use of prohibited in-----	33, 36
PENALTIES.	
assembled dairy products, unlawful sale of-----	47
brand.	
altering. Pen. C., Secs. 357, 357½-----	76
unrecorded, using. Pol. C., Sec. 3183-----	75
butter, imported; unlawful sale of-----	57
cattle, driving off range-----	73
cattle tick, selling animals infected with-----	16
certified milk, unlawful sale of-----	65
commercial feeding stuffs, unlawful sale of-----	119
cruelty to animals-----	85, 89
dairy products, violating law relating to-----	50, 51
dead animals.	
disposition of -----	26
street, stream, etc., deposit in. Pen. C., Sec. 374-----	26
diseased animals.	
enclosure, failure to keep in. Pen. C., Sec. 402d-----	27
failure to kill. Pen. C., Sec. 402b-----	27
report of, failure to make. Pen. C., Sec. 402e-----	27
sale. Pen. C., Sec. 402-----	27
fence, damaging. Pen. C., Sec. 602 (8)-----	103
gate, leaving open. Pen. C., Sec. 602 (8)-----	103
hog serum, unlawful use of-----	23, 25
hunting without permission. Pen. C., Sec. 602 (9)-----	104
imitation milk, unlawful sale of-----	56
imported animals, violating regulations governing-----	16
meat inspection stamps, unlawful use of-----	68
nonresident, grazing sheep without license-----	94
pure milk law, violation of-----	61
quarantine, violating -----	14
railroad.	
gate, leaving open on. Pen. C., Sec. 369d-----	104
grazing animal along. Pen. C., Sec. 369e-----	104
registration, fraudulent. Pen. C., Sec. 537a-----	116
scabies, selling animals infected with-----	18, 19
stallion registration, violation of regulations-----	82
tampering with animals-----	117
POISON.	
animal on exhibition, giving to-----	117

	PAGE
POUNDS.	
food and water supplied to animals. Pen. C., Sec. 597e	87
QUARANTINE.	
diseased animals	12
rabies	21
RABIES.	
control of	20
RAILROADS.	
animals killed, liability for. C. C., Sec. 485	104
fences along track. C. C., Sec. 485	104
grazing animals along tracks, penalty. Pen. C., Sec. 369e	85, 104
stock, care of during transportation. Pen. C., Sec. 369b	85
RAM.	
running at large; penalty. Pen. C., Sec. 597g	88
RANCHMAN.	
record of slaughtered cattle	72
slaughtering without license permitted	72
RANGE.	
defined	73
driving cattle off; penalty	73
REGISTERED LIVE STOCK.	
fraudulent; penalty. Pen. C., Sec. 537a	116
stallions, jacks, certificates for	78
RENNET.	
cheese, use of permitted in	33
RESTAURANTS.	
adulterated dairy products, serving of unlawful	42
application of dairy products act to	50
imitation butter, serving of prohibited	33
imitation milk, display of sign where served	55
milk may be sold, how	31
oleomargarine.	
license required for serving	37
patrons notified when served	35
SALOONS.	
imitation milk, display of sign where served	55
oleomargarine, patrons notified when served	35
SCABIES.	
eradication of	18
SCORE CARD, DAIRY FARM	63
SHEEP.	
branding, time of. Pol. C., Sec. 3172	74
inspectors of dipping sheep	20
killing or injuring by dog; liability for. C. C., Sec. 3341	90
license for herding, restriction on	94
scabies, dipping for	18
transportation, care during. Pen. C., Sec. 369b	85
SHEEP SCAB.	
report of infected animals. Pen. C., Sec. 402e	27
SLAUGHTERHOUSES.	
inspection of	65
license to conduct	70
SOCIETIES FOR PREVENTION OF CRUELTY TO ANIMALS.	
organization, powers, etc. C. C., Secs. 607-607f	91
STALLIONS.	
disease, examination for	77
diseases to be specified	78
enrollment	78
license certificate.	
crossbred	80
display of	78
false or erroneous, investigation	82
fee for	82
grade	80
mongrel	81
nonstandard bred	81
pure bred	79
license for public service	77
pedigree, certificate of registry	78
public service.	
county license. Pol. C., Sec. 3385	84
enclosure in city. Pen. C., Sec. 597g	88
lien for. C. C., Secs. 3062-3064	83, 84
running at large; penalty. Pen. C., Sec. 597g	88

STALLION REGISTRATION BOARD. <i>See Note, page 77.</i>	PAGE
powers, duties, etc.-----	77
powers transferred to department of agriculture-----	9
STATE BOARD OF HEALTH. <i>See HEALTH, STATE BOARD OF.</i>	
STATE DAIRY BUREAU. <i>See DAIRY BUREAU, STATE.</i>	
STATE INSTITUTIONS.	
butter and cheese used in-----	36
STATE VETERINARIAN. <i>See VETERINARIAN, STATE.</i>	
STERILIZATION.	
method of, for dairy utensils, etc.-----	30
STORE, UNSANITARY.	
milk handled in, not to be sold-----	28
SWINE. <i>See Hogs.</i>	
TACK BUR.	
use unlawful-----	90
TALLOW EXTRACTS. <i>See OLEOMARGARINE.</i>	
TESTS.	
false, misdemeanor-----	39
fee for testing glassware-----	40
license for testing-----	39
tuberculin-----	58, 60, 62
TEXAS FEVER.	
disposition of animals dying from-----	26
report of infected animals. Pen. C., Sec. 402e-----	27
THERMOMETERS.	
approval of-----	44
TICK.	
cattle, extermination of-----	16
TRESPASS.	
damages for-----	110
fenced lands; damages-----	114
grazing on lands without owner's consent in certain counties-----	115
land under one enclosure-----	101
lawful fence, on property enclosed by-----	95, 99
local laws; Note-----	95
TUBERCULIN TEST.	
dairyman may request-----	62
imported animals-----	14
milk must pass, when-----	58
state veterinarian to enforce-----	62
TUBERCULOSIS.	
disposition of animals dying from-----	26
imported cattle to be certified-----	15
UNIVERSITY OF CALIFORNIA.	
hog cholera serum.	
distribution of-----	23
licensing of preparation-----	24
VETERINARIAN, STATE. <i>See Note, page 11.</i>	
boophilus annulatus tick, extermination of-----	16
cattle diseases reported to-----	51
diseased animals, inspection of-----	12
meat inspection by-----	65
powers transferred to department of agriculture-----	9
quarantine of diseased animals-----	12, 15
scabies, control of-----	18
tuberculin testing by-----	62
VETERINARIANS.	
examination and license-----	121
lien for service. C. C., Sec. 3051-----	116
VERMINOUS BRONCHITIS.	
report of infected animals. Pen. C., Sec. 402e-----	27
WAGONS.	
ice milk, information painted on-----	48
milk, owner's name and address painted on-----	47
WAREHOUSE.	
license and records, necessary when-----	37, 38
WEARING APPAREL.	
cleanliness of, used by dairymen or employees-----	30, 31
WEIGHTS AND MEASURES.	
false, misdemeanor-----	38
inspection of, by dairy bureau-----	40
liquid measure-----	31
state's standard defined-----	40
WRAPPERS. <i>See LABELS.</i>	







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